

Thirty-Fifth Annual Report
of the
Commissioners
of the
State Reservation at Niagara
July 1, 1917 - June 30, 1918

226618

STATE OF NEW YORK

THIRTY-FIFTH ANNUAL REPORT

OF

THE COMMISSIONERS

OF THE

State Reservation at Niagara

For the Fiscal Year
From July 1, 1917, to June 30, 1918



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STATE OF NEW YORK
STATE RESERVATION AT NIAGARA

NIAGARA FALLS, N. Y., *January* 24, 1919

HON THADDEUS C. SWEET, *Speaker of Assembly, Albany, N. Y.:*

DEAR SIR.—Enclosed please find the original of the annual report, of the Commissioners of the State Reservation at Niagara, for the fiscal year 1917-1918.

And following our usual proceeding we are forwarding the same to you.

Yours very truly,

C. H. ATWOOD,

Acting Superintendent.

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA

The following is the list of Commissioners and officers with the term of service of each:

Commissioners	Confirmed	Retired
Andrew H. Green of New York.....	May 2, 1883	Nov. 13, 1903*
William B. Dorsheimer of Buffalo.....	May 2, 1883	Mar. 26, 1888*
Martin B. Anderson of Rochester.....	May 2, 1883	May 11, 1888
J. Hamden Robb of New York.....	May 2, 1883	Nov. 10, 1887-
Sherman S. Rogers of Buffalo.....	May 2, 1883	May 11, 1888
John M. Bowers of New York to succeed William B. Dorsheimer.....	May 11, 1888	Mar. 25, 1898
James Mooney of Buffalo to succeed J. Hamden Robb.....	May 11, 1888	Mar. 22, 1893
John Hodge of Lockport to succeed Sher- man S. Rogers	May 11, 1888	Mar. 22, 1893
William B. Watson of Utica to succeed Martin B. Anderson.....	May 11, 1888	Feb. 12, 1889-
Daniel Batchelor of Utica to succeed Wil- liam B. Watson.....	Feb. 12, 1889	Dec. 12, 1893*
Robert L. Fryer of Buffalo to succeed James Mooney	Mar. 22, 1893	Mar. 25, 1898
William Hamilton of Caledonia to succeed John Hodge	Mar. 22, 1893	Mar. 25, 1898
George Raines of Rochester to succeed Daniel Batchelor	Dec. 27, 1893	Nov. 22, 1908-
Alexander J. Porter of Niagara Falls to succeed John M. Bowers.....	Mar. 25, 1898	Dec. 21, 1910-
Thomas P. Kingsford of Oswego to succeed Robert L. Fryer.....	Mar. 25, 1898	Mar. 27, 1914-
Charles M. Dow of Jamestown to succeed William Hamilton	Mar. 25, 1898	Mar. 27, 1914-
Alvah K. Potter of Lockport to succeed Andrew H. Green.....	Nov. 27, 1903	Jan. 30, 1907-
William B. Howland of New York to suc- ceed George Raines.....	Feb. 3, 1909	Mar. 26, 1917*
Engene M. Cary of Niagara Falls to suc- ceed Alvah K. Potter.....	June 11, 1908	Mar. 27, 1914-
Thomas W. Meachem of Syracuse to suc- ceed Alexander J. Porter.....	Dec. 30, 1910	Nov. 13, 1918-
Oliver Cabana, Jr., of Buffalo, to succeed Charles M. Dow.....	Mar. 27, 1914	Jan. 25, 1915-

* Died in office.

- Resigned.

STATE RESERVATION AT NIAGARA

Commissioners	Confirmed	Retired
George J. Meyer of Buffalo to succeed Thomas P. Kingsford.....	Mar. 27, 1914	Incumbent
Andrew Cuneo of Scarsdale to succeed Eugene M. Cary.....	Mar. 27, 1914	Mar. 4, 1916—
Paul A. Schoellkopf of Niagara Falls to succeed Oliver Cabana, Jr.....	Mar. 25, 1915	Incumbent
Alphonso T. Clearwater of Kingston to succeed Andrew Cuneo.....	Apr. 9, 1916	Incumbent
Ansley Wilcox of Buffalo to succeed William B. Howland.....	Mar. 16, 1917	Incumbent
Robert W. DeForest of New York to succeed Thomas W. Meachem.....	Nov. 13, 1918	Incumbent
President	Elected	Retired
M. B. Anderson, Rochester.....	May 29, 1883	June 9, 1883—
William Dorsheimer, Buffalo.....	June 9, 1883	Mar. 26, 1888*
Andrew H. Green, New York.....	May 26, 1888	Nov. 13, 1903*
Charles M. Dow, Jamestown.....	Dec. 22, 1903	Mar. 27, 1914—
William B. Howland, New York.....	April 21, 1914	Feb. 26, 1917*
Thomas W. Meachem, Syracuse.....	May 1, 1917	April 26, 1918—
A. T. Clearwater, Kingston.....	April 26, 1918	Incumbent
Secretary and Treasurer	Appointed	Retired
J. Hampden Robb, New York.....	May 29, 1883	Nov. 22, 1883—
Leighton Williams, New York.....	Nov. 22, 1883	Jan. 1, 1887—
David Gray, Buffalo.....	Jan. 1, 1887	Jan. 30, 1888—
Henry E. Gregory, New York.....	Jan. 30, 1888	Jan. 30, 1899—
Richard F. Rankin, Niagara Falls.....	Jan. 30, 1899	Feb. 1, 1900—
Peter A. Porter, Jr., Niagara Falls.....	Feb. 1, 1900	Oct. 1, 1903—
Thomas V. Welch, Niagara Falls.....	Oct. 1, 1903	Oct. 20, 1903*
As Secretary.		
Edward H. Perry, Niagara Falls:		
As Secretary.	Dec. 22, 1903	
As Treasurer.	Oct. 1, 1903	May 23, 1910*
Clarence H. Atwood, Buffalo:		
As Treasurer.	Aug. 10, 1911	Incumbent
As Secretary.	Dec. 19, 1918	
		Retired
Harry K. Eckert, Buffalo:	April 16, 1912	Dec. 19, 1918—
As Secretary.....		
Superintendent	Appointed	Retired
Thomas V. Welch, Niagara Falls.....	July 16, 1885	Oct. 20, 1903*
Edward H. Perry, Niagara Falls.....	Dec. 22, 1903	May 23, 1910*
William E. Harries, Buffalo.....	Aug. 3, 1910	April 16, 1912—
Harry K. Eckert, Buffalo.....	April 16, 1912	Incumbent

* Died in office.

— Resigned.

ANNUAL REPORT

NIAGARA FALLS, N. Y., *December 19, 1918.*

To the Honorable the Legislature of the State of New York:

GENTLEMEN.—As required by law, the Commissioners of the State Reservation at Niagara have the honor herewith to submit their report for the fiscal year from June 30, 1917, to June 30, 1918, this being their thirty-fifth annual report.

CHANGE IN THE COMMISSION

At the beginning of the year the Commission was composed of Thomas W. Meachem, George J. Meyer, Paul A. Schoellkopf, Alphonso T. Clearwater and Ansley Wilcox, Mr. Meachem being the President.

At the meeting of the Commission, held on the 26th day of April, 1918, Mr. Meachem resigned as President, and Mr. Clearwater was elected President in his stead. Subsequently Mr. Meachem resigned as a member of the Commission, and Robert W. De Forest was appointed Commissioner in his place.

The Commission here records its deep regret at the severance of Mr. Meachem's relations with the great work at Niagara, with which he was so long connected, and the duties relative to which he discharged with the greatest integrity and ability. His ideals were of the highest; his judgment was sound. Urbane and conciliatory, he was an admirable colleague, and by his resignation the State loses a faithful and unselfish public officer, and the Commission a valuable collaborator.

CHANGES RESULTING FROM THE EUROPEAN WAR

The European war, which brought so many changes in industrial activities throughout the world, as was inevitable, affected the situation at Niagara.

The Federal Government, through the War Department, strongly urged and insisted upon the combination of the three large power companies at the Falls, with the view thereby to obtain additional power under a higher head for the making of materials actually essential for the war uses of the Government. The Legislature thereupon passed Chapters 596 and 597 of the Laws of 1918. They were approved by the Governor, and authorized a consolidation subsequently approved by the Public Service Commission. Thereby the Cliff Electrical Distributing Company, the Niagara Falls Power Company and the Hydraulic Power Company of Niagara Falls were consolidated, under the name of the Niagara Falls Power Company.

That corporation owns as well the Canadian Niagara Power Company on the Canadian side of the International boundary.

In December, 1917, the entire distribution of electric energy on the American side of the river was taken over by the War Department under the direct supervision of the Honorable Robert J. Bulkley and Brigadier-General Charles Keller, General Keller originally having taken up the consideration of the development of electrical energy at the Falls when he was connected with the so-called Taft Commission. In May, 1918, at the request of the Federal Government, the Hydraulic Power Company began the enlargement of its power station for three units of thirty-three thousand (23,000) horse power each, making a total development by it of one hundred thousand (100,000) horse power. The work has progressed steadily, and it is anticipated that the additional power will be available early in the spring of 1919. In January, 1917, the Congress passed an Act which permitted the full diversion of the water on the American side authorized by the International Treaty, to-wit: twenty thousand (20,000) cubic feet, and that amount largely has been utilized. The enlargement now being made to the plant of the Hydraulic Power Company will require the full use of the residue of water permitted by the provisions of the treaty.

For your convenience, and to facilitate future reference, we append copies of Chapters 596 and 597 of the Laws of 1918, authorizing the consolidation, and empowering the new corporation, thus constituted, efficiently to utilize any water lawfully

diverted by it from the Niagara river. Also we annex the order of the Public Service Commission.

On the 21st day of May, 1918, the Honorable Charles S. Whitman, Governor of the State, addressed a letter to each of the United States Senators from New York, relative to a bill introduced by Mr. Flood in the House of Representatives, which provided for the control and regulation of the use of the boundary waters of the United States for power purposes, and for other purposes. The bill was of so drastic and revolutionary a character and so objectionable that the Governor appointed a committee to appear before the Committee on Foreign Affairs of the House of Representatives in opposition to the bill, and there is appended to our report a copy of the Governor's letter, and of the brief submitted by the committee appointed by him in opposition to that bill, together with a memorandum of authorities submitted by Attorney-General Carmody in January, 1913, relative to a bill then before Congress, of substantially a similar character.

A MEMORIAL TO NEW YORK'S SOLDIERS AND SAILORS IN THE EUROPEAN WAR

The alliance between the United States, the British Empire, its dependencies and France during the European war has added emphasis and given additional impulse to the suggestion originally made by the Commission in connection with the one hundredth anniversary of the signing of the Treaty of Ghent, and of the then proposed celebration of the centenary of peace between Great Britain and the United States, it being then suggested, as you will recall, that a fine memorial would be an extension of the State Reservation at Niagara along the bank of the river northward toward Youngstown and Fort Niagara, creating therewith a road of almost unsurpassed grandeur and beauty.

The Queen Victoria Park, on the Canadian bank of the river, in addition to the one hundred and ninety-six acres of park proper, has chains of parks and drives extending to Lake Ontario in one direction, and to Lake Erie in the other, the whole system on the Canadian side embracing seven hundred and forty acres. A boulevard on the New York bank running near the edge of

the gorge with additional acquisitions of suitable area on the rim of the gorge itself for observation points, connecting our State Reservation with Youngstown and Fort Niagara, and covering a distance of approximately twelve miles, not only would be a State work of great practical value and greatly facilitate the enjoyment of many features of beautiful scenery, but would constitute a superb and most appropriate memorial, paralleling that of the Dominion of Canada on the other side of the river.

The people of this State wish to hand down to remote posterity adequate evidence of their grateful appreciation of the unhesitating response to the call of duty, and the splendor of the service offered and rendered by the soldiers and sailors in a war which threatened not only the existence of the American Republic, but that of civilization itself, and they wish to begin its construction now. We feel there can be no finer or more appropriate monument to the patriotism and heroism of the flower of our youth; none more in keeping with the magnitude of the sacrifices made and none more becoming the dignity of a great commonwealth than the creation and maintenance along the International boundary of a great park which shall be free to the citizens of all the nations of the earth.

The successful termination of the war having resulted in more firmly cementing the relations between the British Empire, the Dominion, France and the American Republic, it seems to your Commission that the State would do well at once to take up the creation of so imperishable a monument adjoining the vast domain so largely settled by natives of Great Britain and France. The State then truly could say —

“ Exegi monumentum aere perennius.”

THE CONTINUED AND RAPID RECESSION OF THE APEX OF THE HORSESHOE FALLS

The recession of the rock rim of the Horseshoe Falls continues at an alarming rate. Your attention was called to this matter by our report to you under date of January 3, 1918. We realize that the war absorbing the funds and energies of the State prevented your giving it that consideration which so eminently it

deserves. It was called to the attention of Governor Whitman in 1916, and we then presented it to the consideration of the Hon. James A. Tawney of the International Waterway Commission at Winona, Minn.; Hon. Obadiah Gardner, Chairman of the International Waterways Commission at Rockland, Me.; Hon. Whitehead Klutts, Secretary of the International Joint Commission at Washington, D. C.; Col. Mason H. Patrick, U. S. A., Corps of Engineers, at Detroit, Mich.; and Hon. Newton D. Baker, Secretary of War, at Washington, D. C. No remedial steps have been taken and it is imperative that something at once should be done.

The recession is progressing at the rate of about sixty-two inches a year. It has a most important effect on the distribution of water over the fall, and the consequent appearance of the cataract. As we have before stated, it is established that as a result of the process of erosion the apex or re-entrant angle in the crest of the fall is at the deepest part of the channel, and as the rate of erosion is proportional with the volume of water, other things being equal, the situation tends to aggravate itself by eating away the bed of the river, and drawing the water away from the Goat Island and Canadian shores. The shoaling of these shores and the lack of water has become notably appreciable as a consequence of this process. Congress having authorized the diversion of the full amount now permitted by the International Treaty, namely, 20,000 cubic feet per second, and as hereinbefore stated, the enlargement now being made to the plant of the Hydraulic Power Company requiring the full use of the amount by the Treaty permitted to be diverted, the shoaling to which we have referred constantly will become more noticeable.

We suggest the immediate and careful consideration of the report made to the Chief of Engineers of the United States Army by General, then Major Keller on the 30th day of November, 1908. He proposed that a submerged dam be constructed in the river above the Horseshoe Falls with a view to diverting a portion of the volume from the deepest part of the channel, and spreading it out over the shallower portion nearest the shore. This measure would diminish the erosion of the apex and would improve the appearance of the now impoverished margins. We

are informed, and have reason to believe that if this work were sanctioned by the State and Federal governments, practically the greater part of the expense involved would be borne by the Power Companies of the Falls.

The dam could be constructed of irregular and rough surface concrete blocks, so tinted and placed as to blend with and appear to be part of the rock foundation of the bed of the river.

GREATLY NEEDED ELEVATOR CAVE OF THE WINDS

Again we call your attention to the necessity of an elevator at the Cave of the Winds. The only access from the upper level of Goat Island to the rock talus and path to the Cave of the Winds is by means of the antiquated Biddle Stairs of 190 wooden steps, constituting a winding stairway descending in a wooden tower surrounding a center post. This stairway was erected eighty-nine years ago. It is unsightly, inadequate and only kept in a moderately safe condition by constant and expensive repairs. It is annually used by about 18,000 persons, but a modest estimate is that at least 100,000 visitors would visit the Cave of the Winds if the State provided a proper elevator. The concession for the use of the stairway furnishes a revenue to the State, and the elevator for which we have asked, and again ask, besides affording public accommodation and causing the removal of an unsightly antiquated structure, would prove to be a paying investment for State funds.

We beg to suggest that a wooden structure nearly a century old, used for the purpose to which this one is devoted, is unbecoming the dignity and wealth of the principal State of the Union. None other of the forty-seven States would tolerate the continued existence of so obsolete an approach to so stupendous and famous a natural wonder, peradventure one existed within its borders.

COVER SHED NEEDED AT PROSPECT POINT

Near the edge of the cliff at Prospect Point is the entrance to the elevator, which, descending through a shaft in the rocks, affords access to the Maid of the Mist landing, and the foot of the American Falls. This elevator, as you are aware, replaced

the antiquated inclined railway which has been removed. The entrance to the elevator in the Reservation Park is now covered by a shabby portable wooden shelter, erected in winter and removed in summer. It is designed to protect the elevator particularly from the spray, which congeals in such a mass at that point that many times the shelter is practically hidden from sight. This structure has been severely criticized by all visitors to the Falls, and its replacement by one in keeping with the position of the State is urgently requested. There is an increased use of the elevator which annually yields a revenue to the State, the amount remitted to the State Treasury for the year ending June 30, 1917, being \$13,165.95, and the amount remitted for the year ending June 30, 1918, being \$12,670.35. A simply designed structure of steel and glass should be immediately erected, and we respectfully urge the Legislature to authorize its construction.

DECAYING AND FALLING TIMBER

From the time the State acquired title to the lands constituting the reservation at Niagara, the disposition of the decaying and falling timber has presented a somewhat troublesome problem for the consideration of the Commissioners, and has been the subject of a difference of opinion between its members. From time to time trees upon the reservation, especially upon Goat Island, reach their maturity, and decay. At intervals cyclonic storms sweeping down from the west uproot trees of considerable size, because of the nearness of the roots to the surface, and the shallow earth covering. For years it has been contended by some State officials that the Commission was without power to sell or in any manner dispose of this decayed and fallen wood, it being State property, and that it either must be used on the Reservation or thrown away because of the inhibition of the Constitution, and the statute, against the sale of State property. To the present members of the Commission this seemed rather an absurd refinement upon and an extension of constitutional and statutory restrictions. On the 11th of June, 1918, a severe wind sweeping down the Niagara river, blew down and seriously injured about one hundred trees on Goat Island, five in Prospect

Park, and twenty on the Riverway. The Commission were without facilities economically to use this wood, which was specially valuable because of the scarcity of fuel, and it was determined that its President should communicate with the Attorney-General regarding its power in the premises, whereupon he addressed to that official the appended letter, to which is annexed the reply of the Attorney-General.

The Commission at once procured a portable saw, and as rapidly as the other work upon the reservation grounds permit, is having the decayed and fallen trees cut up, and will endeavor to market the wood, remitting the proceeds to the State Treasurer.

In this connection the Commission calls attention to the immediate necessity of the employment by the State of a competent forester to survey and indicate what, if any, trees should be removed for the benefit of the entire forest on Goat Island and the State Reservation, and what remedial steps successfully can be taken to save from premature decay many trees which are now approaching their maturity. Such a forester, entrusted with the work with the aid of a small number of competent assistants, at a comparatively insignificant expense to the State, greatly would improve not only the appearance of the State's property at the Reservation, but largely increase its value. The necessity of this we earnestly press upon the attention of the Legislature.

It may be interesting to you to know that Sir Joseph Hooker, the great English botanist, affirmed that he found on Goat Island a greater variety of vegetation within a given space than he had found in Europe or in America, and that his statement was confirmed by Dr. Asa Gray, our eminent American botanist. Frederick Law Olmsted, one of the most notable landscape artists of the world, said that he had followed the Appalachian chain almost from end to end, and traveled on horseback in search of the picturesque over four thousand miles of the most promising parts of the continent, without finding elsewhere the same quality of forest beauty which was once abundant about the Falls, and which is still to be found on those parts of Goat Island where the original growth of trees and shrubs has not been disturbed. A calcareous soil, enriched with an abundance of organic matter like that of Goat Island, saturated by the mists from the Falls,

furnishes a region of notable forest fertility, and of the 170 species of trees and shrubs found in New York, no less than 140 can be found upon the State Reservation. In addition to trees and shrubs there are 909 species of plants to be found on the Reservation, of which 758 are native, and 151 foreign. It goes without saying that the Legislature owes a duty to the State and the Nation to see that so unique a possession is jealously guarded and carefully preserved.

THE INTAKE OF THE CATARACT HOUSE AND THE APPLICATION OF THE EMPIRE POWER COMPANY TO DIVERT THE WATER OF THE RIVER ABOVE THE FALLS

The alleged rights of the proprietors of the Cataract House to divert the water of the Niagara river above the Falls has for years been the subject of difference between them and the Commissioners of the Reservation, the proprietors insisting that they were possessed of such rights; the Commissioners contending that they did not exist. At a meeting of the Commission, held at Niagara on the 26th of April, 1918, the Empire Power Company, a corporation claiming to have succeeded to the rights of the owners of the Cataract House, asked permission to enlarge the intake of the waters of the river used by the proprietors of that house in order that it, the Empire Company, might develop electric energy upon a considerable scale, provided it could obtain the consent of the Federal Government to the diversion of the water, and that of the Public Service Commission to conduct business. They were granted an extended hearing, and after a full discussion it was determined by the Commission that its President should communicate with the Attorney-General relative to the matter, and endeavor to obtain a definite opinion from him as to the rights of the owners of the Cataract House, and the power of the Commission in the premises. This action was taken not because of any substantial doubt in the minds of any member of the Commission as to the dominant rights of the State, but in the hope that an authoritative opinion by the Attorney-General permanently would settle the differences heretofore alluded to, and thus hereafter avoid a recurrence of applications relative to

that intake. The President of the Commission accordingly wrote to the Attorney-General the letter, which, with the Attorney-General's reply, is appended to the report.

LICENSE TO THE INTERNATIONAL RAILWAY COMPANY

At the meeting of the Commissioners on the 22nd of January, the International Railway Company presented the following petition:

" To the Commissioners of the State Reservation at Niagara:

The petition of the International Railway Co. respectfully shows:

That it has recently acquired additional lands between Prospect street and Riverway in the city of Niagara Falls, for additional terminal facilities, the said lands adjoining on the north the premises heretofore used by said company as a terminal station.

Your petitioner purposes to use the building as the Coliseum for such additional terminal facilities and desires by International Railway Company, to the end that the traffic may be handled to better advantage.

Attached hereto is a blue print No. 1050 showing the manner in which it is desired you shall cause such connection to be made.

WHEREFORE, your petitioner prays that the Commission may take action in accordance with this petition and authorize the Superintendent to do or cause to be done all things necessary in the premises. Dated January 11, 1918.

INTERNATIONAL RAILWAY COMPANY,

By E. DICKSON,

Vice-President."

After a full hearing and thorough discussion further consideration of the application was deferred to the meeting of the Com-

mission of the 26th of April, when a further hearing was granted, whereupon the Commission adopted the following resolution:

WHEREAS, the International Railway Company (successor of the Niagara Falls and Suspension Bridge Railway Company) is constructing an extension of its street surface railroad on private rights of way between Buffalo and Niagara Falls and has acquired in connection therewith the Coliseum property, adjoining on the north its present terminal station on the Riverway, in the city of Niagara Falls, for the purpose of providing additional terminal facilities for visitors to the State Reservation, and

WHEREAS, said Company has requested the installation of additional tracks on the Riverway to connect with the present tracks therein from said Coliseum property, as more particularly shown on the plan attached to its petition filed with this Commission; now after consideration thereof, it is

Resolved, That the additional tracks and overhead work, to connect with the tracks owned by the State on the Riverway, be constructed according to said plans at the sole cost and expense of said International Railway Company, which shall furnish the material and provide the labor necessary therefor, and do all said work under the direction and supervision of the Superintendent of the State Reservation.

Resolved, That the said International Railway Company shall have a license to use such additional connecting tracks under and as a part of the license heretofore granted its said predecessor, the Niagara Falls and Suspension Bridge Railway Company, the said additional license to be terminable and to be subject at all times to the jurisdiction and control of the Commissioners, and the licensee to assume all liability for expenses and damages, according to the terms of the said previous license and agreement, dated September 23, 1899, and the further agreement for the construction of double tracks in the Riverway, dated July 2, 1901.

Resolved, That the title to the said additional track and overhead construction installed under the terms of this resolution shall be and belong to the State of New York; and

said International Railway Co. shall execute, upon demand, an acceptance of the terms hereof, and such transfer of said track and overhead construction as may be required by this Commission, and shall pay a license fee of \$100 annually so long as this license shall continue."

And subsequently, and at the meeting of the 24th of July, 1918, the following license was executed by the Commissioners:

"*Know all men*, That the Commissioners of the State Reservation at Niagara hereby license the International Railway Company (successor to the Niagara Falls and Suspension Bridge Railway Company) to use the additional street railway connecting tracks and overhead work, which have been or presently are to be constructed on the Riverway in the State Reservation at Niagara, pursuant to a resolution of the Commissioners of the State Reservation at Niagara duly adopted April 26, 1918, a copy of which resolution is hereto attached."

The said additional connecting tracks and overhead work may be used in carrying on the business of the said Railway Company, and for the purpose of providing additional and improved terminal facilities for visitors to the State Reservation.

This license is revocable and terminable absolutely at and in the discretion of the said Commissioners of the State Reservation at Niagara, and their successors in office and it is also subject to all the other terms and conditions set forth in the said resolution, adopted April 26, 1918, and the said Commissioners may at any time in their discretion alter, amend or add to the terms and conditions of this license.

The said Railway Company shall pay a license fee of \$100 annually, so long as this license shall continue.

This license is subject to the approval and consent of the Commissioners of the Land Office of the State of New York, as provided in section 108 of the Railroad Law, as amended by chapter 710 of the Laws of 1899.

In witness whereof, the said Commissioners have caused this instrument to be signed by the president of said Commission and have also signed this instrument as such Commissioners this 24th day of July, 1918.

COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA.

By,

A. T. CLEARWATER,

President,

A. T. CLEARWATER,

Commissioner,

T. W. MEACHEM,

Commissioner,

ANSLEY WILCOX,

Commissioner,

PAUL A. SCHOELLKOPF,

Commissioner,

THE INTERNATIONAL HOTEL PROPERTY

The destruction of the International Hotel by fire probably has made possible the procurement by the State of the title to a portion of that property, and of the land adjacent to the Cataract House at a far more reasonable figure than ever heretofore has been possible. The Commissioners are decidedly of the opinion that the acquisition of this land is advisable, and they call the matter to the attention of the Legislature in order that it may determine what, if any, steps should be taken in the immediate or near future in that behalf.

It is hardly necessary that in submitting this report the Commission should enlarge upon the incalculable value of the State and the Nation of the State's Reservation at Niagara, which not only is majestic in its absolute perfection, but forms that rarest of combinations, the union of the beautiful with the sublime.

All of which is respectfully submitted.

ALPHONSO T. CLEARWATER,

GEORGE J. MEYER,

PAUL A. SCHOELLKOPF,

ANSLEY WILCOX

ROBERT W. DeFOREST,

Commissioners,

APPENDIX A

LAWS OF NEW YORK. CHAP. 596.

AN ACT to authorize the consolidation of Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls.

Became a law May 10, 1918, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls, each being a corporation organized and existing under and by virtue of the laws of the state of New York, may, notwithstanding the requirements of any other law, consolidate such corporations into a single new corporation in the manner and with the effect specified in respect of consolidations in chapter four of the consolidated laws known as the business corporations law. The capital stock of said new corporation so formed may be issued as preferred stock or as common stock or both. The common stock may be issued in shares, but the aggregate par value of all shares either preferred or common, issued with a par value, shall not exceed but may equal the aggregate of the outstanding capital stocks and the surpluses, unimpaired reserves and undivided profits of said corporations so consolidated, as shown by their reports and books. The consolidation of such corporations and the issue of such new stock shall be subject to the approval of the public service commission of the second district. The shares of capital stock of said new corporation formed by such consolidation may be distributed among the stockholders of said corpora-

tions so consolidated in such proportions and so classified as may be provided in the joint agreement of consolidation. Upon the consolidation of such corporations, the public services to be performed and rendered by the consolidated corporation shall be subject to the provisions of the public service commissions law, and be under the supervision and control of the public service commission having jurisdiction in the territory where such services are rendered.

§ 2. This act shall take effect immediately.

APPENDIX B

LAWS OF NEW YORK. CHAP. 597.

AN ACT authorizing any new corporation constituted by the consolidation of Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls, efficiently to utilize any water by it lawfully diverted from the Niagara river.

Became a law May 10, 1918, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any new corporation constituted by the consolidation of Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls, and the successors and assigns of such new corporation, for the purpose of securing an efficiency of not less than nineteen horsepower per cubic foot per second of water diverted, in the use of any waters which such new corporation as successor to the rights heretofore granted to any of such corporations may lawfully divert from the Niagara river for the development of power, may reconstruct, alter, enlarge and improve its works, canals, tunnels and plant, or any part thereof, and may construct new works, canals, tunnels and plant, through which it may utilize any of such waters. To such ends such new corporation may exercise all the powers heretofore or hereafter conferred upon either or all said corporations so consolidated, provided, however, that nothing herein contained shall authorize such new corporation to divert from the Niagara river any water in excess of the amount heretofore authorized by the state of New York in respect of the corporations so consolidated. Provided further that if the corporation constituted by such consolidation shall divert from the

Niagara river for power purposes more than fifteen thousand one hundred cubic feet per second, there shall be reserved to the state the right to charge an equitable rental therefor in such amount and in such manner as shall hereafter be provided by law; and provided further that nothing in this act shall be construed as giving the right to discharge water into the Niagara river at a point more than one thousand feet below the lowest point of discharge into such river by any of the corporations so consolidated as now fixed. Nothing in this act shall be construed to waive or alienate any right now vested in the state as to waters now being diverted by any of such corporations so consolidated, or to compensation for said rights.

§ 2. This act shall take effect immediately.

APPENDIX C

STATE OF NEW YORK — PUBLIC SERVICE COMMISSION —
SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the City of Albany, on the 24th day of October, 1918.

Present: Charles B. Hill, Chairman, Frank Irvine, Thomas F. Fennell, Jerome L. Cheney, Commissioners.

Case No. 6453.—In the matter of the proposed consolidation of the Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls.

Case No. 6614.—In the matter of the joint petition of Cliff Electrical Distributing Company, The Niagara Falls Power Company, and Hydraulic Power Company of Niagara Falls, under chapter 596 of the Laws of 1918, for approval of the consolidation of said companies into a new corporation to be named The Niagara Falls Power Company, and for approval of the issuance of \$26,000,000 capital stock (common and preferred) by said new corporation.

Case No. 6453.—Hearings held April 24, May 2 and 16, June 26 and September 5 and 12, 1918. Correspondence file .001. Hearing held before the Governor May 9, 1918.

Case No. 6614. Petition filed October 16, 1918.

Copy of Joint Agreement of Consolidation filed October 16, 1918. Hearing held October 24, 1918.

Now, therefore, upon the foregoing record, ordered as follows:

1. That, pursuant to chapter 596 of the Laws of 1918, the joint agreement of consolidation dated September 20, 1918, of the Cliff Electrical Distributing Company, The Niagara Falls Power Company, and Hydraulic Power Company of Niagara Falls is hereby approved.

2. That the capitalization which The Niagara Falls Power Company, the new corporation, may issue under the aforesaid joint agreement of consolidation is as follows:

(a) Preferred capital stock of the par value of \$11,515,000; said stock to be entitled to receive 7% cumulative dividends from October 1, 1918, in accordance with the provisions set forth in said agreement.

(b) Common capital stock of the par value of \$14,484,600.

3. That The Niagara Falls Power Company is hereby authorized to issue \$26,000,000 par value of its capital stock, \$11,515,400 of which shall be classified as 7% cumulative preferred capital stock and \$14,484,600 shall be classified as common capital stock.

4. That the issue and distribution of the stocks of The Niagara Falls Power Company herein authorized to be issued under said joint agreement of consolidation shall be as follows:

Preferred Stock	Common Stock	To be distributed ratably among the stockholders of the:
.....	\$540,000 00	Cliff Electrical Distributing Company for the 5,000 shares of the stock of that company of the par value of \$100 each.
\$11,515,400 00	984,566 70	The Niagara Falls Power Company for the 57,577 shares of the stock of that company of the par value of \$100 each.
.....	12,960,000 00	Hydraulic Power Company of Niagara Falls for the 120,000 shares of the stock of that company of the par value of \$100 each.
<hr/>	<hr/>	
\$11,515,400 00	\$14,484,566 70	
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5. That The Niagara Falls Power Company shall for each six months period ended December 31 and June 30 file not more than thirty days from the end of such period a verified report which shall show:

(a) What stock has been distributed during such period in accordance with the authority contained herein.

(b) The date of such distribution.

(c) To whom such stocks were distributed together with the actual distribution thereof to the participants under said joint agreement.

Such reports shall continue to be filed until all of such stocks shall have been distributed in accordance with the authority contained herein, and if during any period no stocks were distributed the report shall set forth such fact.

6. That immediately upon the consummation of such consolidation herein authorized and approved The Niagara Falls Power Company shall file with this Commission an affidavit setting forth the exact date when such consolidation was fully and finally consummated.

7. That within six months from the date of this order the consolidated corporation, The Niagara Falls Power Company, shall submit to this Commission for approval a detailed allocation of the cost to it of the properties of the three companies herein authorized to be consolidated, which approval must be obtained before such allocation is spread upon the books of the petitioner.

8. That the consolidated corporation, The Niagara Falls Power Company, shall within a reasonable time after the consummation of the consolidation herein proposed file with the Commission all such annual or other periodic reports as are or would be ordinarily required of the companies forming such consolidation.

9. That the authority contained in this order to consolidate and to issue stock is upon the express condition that the new corporation accepts and agrees to comply in good faith with the provisions hereof, and before any stock is issued pursuant hereto and within thirty days of the service hereof, the said new corporation shall file with the Commission a satisfactory verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect unless such stipulation shall be filed as last above provided.

By the Commission,

[SEAL]

(Signed) FRANCIS X. DISNEY,

Secretary.

APPENDIX D

LETTER OF PRESIDENT CLEARWATER TO THE ATTORNEY-GENERAL
RELATIVE TO INTAKE OF CATARACT HOUSE

“ THE COMMISSIONERS OF THE
STATE RESERVATION AT NIAGARA.

KINGSTON, NEW YORK, *May 6, 1918.*

*To HON. MERTON E. LEWIS, Attorney-General, Albany,
New York:*

MY DEAR SIR.—The Empire Power Company, a corporation recently formed, and claiming to have succeeded to the rights of the owners of the Cataract House at Niagara Falls, has asked the consent of the Commissioners of the State Reservation at Niagara to enlarge the intake of the waters of the Niagara river used by the proprietors of that house in order that it, the Empire Company, may develop electric energy upon a considerable scale, peradventure it can obtain the consent of the Federal government to the diversion of the water, and that of the Public Service Commission to conduct business. The Commission have expressed to the company the opinion that they are destitute of power to give this consent. In view, however, of the importance of the question the matter is referred to you for your opinion upon this question of power. On the condemnation by the State to acquire title to the lands which now constitute the reservation, had before the Honorables Luther R. Marsh, Matthew Hale and Pascal P. Pratt, Commissioners of Appraisal, in 1883 and 1884, the Commissioners of the Reservation adopted resolutions, substantially copies of which I enclose.

I assume that all the records of the Commissioners of Appraisal are on file in your office. If that be so, you will find the reference to the Cataract House property on

pages 218, 219, 220 and 221 of volume I of the evidence taken before them. In addition, I call your attention to the final order confirming the award of the Commission entered on the 27th day of October, 1884, particularly as to Parcel 31. This order I assume you have.

Will you, therefore, kindly advise the Commission at your earliest convenience as to whether in your opinion they have the power to grant the request of the Empire Company.

Respectfully,

(Signed) A. T. CLEARWATER,

President."

APPENDIX E

LETTER OF THE ATTORNEY-GENERAL TO PRESIDENT CLEARWATER
RELATIVE TO THE INTAKE OF THE CATARACT HOUSE

“ STATE OF NEW YORK,
OFFICE OF THE ATTORNEY-GENERAL,

ALBANY, June 21, 1918.

HON. ALPHONZO T. CLEARWATER, *President State Reservation at Niagara, Kingston, N. Y.:*

DEAR SIR.— I have no hesitancy in advising you that the Commissioners of the State Reservation at Niagara have not authority to permit the Empire Power Company to enlarge the intake of the waters of the Niagara river heretofore used by the owners of the Cataract House at Niagara Falls. This company you state intends to develop electrical energy on a large scale and market the same.

From time to time this office has been requested by your Commission to express its views in regard to the diversion of waters across the reservation by the Cataract House owners and we have been consistent in advising you that whatever permits or licenses the Commission granted to such owners to lead water over the lands of the reservation were and of necessity had to be revocable at the will of the Commission. We saw no harm in any use of the reservation inconsistent with the purposes for which it was established in allowing a hotel (accustomed to accommodate large numbers of visitors to the reservation) to maintain for hotel purposes and under revocable permit a small raceway or pipe line over reservation lands.

The present project, however, takes on a more permanent character and evidences an intent to secure the use of the

waters and the reservation lands *in the business* of distributing water power or energy developed therefrom. Your letter indicates that if permission is granted to the Empire Power Company to enlarge the intake, it will, after obtaining a permit from the Secretary of War, proceed to divert the waters of the Niagara river for extensive power purposes. We have been unable to find that this company or its predecessors have ever, since the appropriation of the riparian lands for the State reservation, received a franchise from the Legislature to divert the waters of the river; and whatever rights existed prior to the taking of these lands for the reservation were in our opinion all appropriated and paid for by the State in condemnation proceedings.

Since the Empire Power Company is not possessed of any franchise to take waters from the Niagara river, you have not the power to authorize an act on the State reservation (such as the enlargement of the intake for power purposes) which will recognize or conduce to a recognition of an existing franchise in the company to divert the waters of the river for power purposes.

At present the State of New York, as you perhaps know, is very much concerned over and is actively opposing attempts by the Federal government to assume the exclusive control over the use of the waters of the Niagara river for power purposes. Your Commission should not permit any act, and is not vested with authority to permit any act, which challenges the State's jurisdiction over the diversion and use of the waters, and this you would be doing by permitting persons who have not a franchise from the State to divert for power purposes, to erect structures, to accomplish a diversion of the waters for such purposes.

Of course the Legislature can augment your powers and authorize you to issue and make permanent a license to maintain waterways or structures on the State Reservation, as it did in 1908 (chap. 243) when it permitted the Commission to grant to the city of Niagara Falls a license to construct and maintain a sewer and a water main (1912, chap. 236) through and along the lands of the State Reservation.

Until you receive legislative sanction, however, you are powerless in my judgment to permit the enlargement of the intake for the purpose for which that enlargement is now desired.

Yours very truly,

MERTON E. LEWIS,

Attorney-General.

By C. T. DAWES,

Deputy."

APPENDIX F

LETTER OF PRESIDENT CLEARWATER TO THE ATTORNEY-GENERAL
RELATIVE TO DECAYED AND FALLEN TIMBER

“ THE COMMISSIONERS OF THE
STATE RESERVATION AT NIAGARA,

KINGSTON, NEW YORK, *June 22, 1918.*

*To HON. MERTON E. LEWIS, Attorney-General, Albany, New
York:*

MY DEAR SIR.—On the night of the 11th instant, a severe wind, sweeping down the Niagara river, blew down and seriously injured one hundred trees on Goat Island, five in Prospect park, and twenty on the riverway of the State Reservation at Niagara, including many of the largest and finest trees on the west and southwest side of Goat island. Owing to the limited appropriation placed at the disposal of the commissioners at the Reservation by the Legislature, we are greatly embarrassed by the effects of this tornado. The force in our employ is too small to remove the fallen timber, and at the same time properly care for the Reservation ground. We have no way of using the wood which might be salvaged on the Reservation itself. If it be permissible, we can probably have this wood cut and cleared away in exchange for the wood itself, but I have some doubt whether we are at liberty to do this under the provisions of section 104 of the Public Lands Law or any other Legislative enactment, and as to whether we have this power I shall be glad to have your opinion.

In addition and along the same line, I beg to say that in Prospect park there are many old black walnut trees, a number of which, owing to the prevalence of high winds in that locality, have lost nearly all their top branches.

Some of them well could be spared. They have good trunks and as the federal government is greatly in need of black walnut wood for gun stocks and similar purposes I shall be glad to have your opinion whether we would be justified in removing such trees as properly can and should be removed, and whether we have the power to turn the wood over to the federal government for national use.

Respectfully,

A. T. CLEARWATER,

President of the Commission."

APPENDIX G

LETTER OF ATTORNEY-GENERAL TO PRESIDENT CLEARWATER
RELATIVE TO DECAYED AND FALLEN TIMBER

“STATE OF NEW YORK.
OFFICE OF THE ATTORNEY-GENERAL,

ALBANY, *June 26, 1918.*

HON. A. T. CLEARWATER, *Kingston, N. Y.:*

DEAR SIR.—Receipt is acknowledged of your letter of June 22d in which you put two questions in regard to the administration of the State Reservation at Niagara. You ask whether or not certain fallen timber on the Reservation may be sold by the commissioners, and secondly, whether or not certain standing or damaged old black walnut trees may be sold to the federal government for use in making gun stocks.

In my opinion, you are entitled to sell this fallen timber under the provisions of section 104 of the Public Lands Law. This provides that

“Such board shall sell and cause to be removed from such reservation all structures, machinery and materials thereupon belonging to the state, not required to afford free and convenient access to such reservation, nor for restoring the scenery of the Niagara Falls to and preserving it in its natural condition.”

Fallen timber is no longer realty, but becomes personalty. Therefore, in my opinion it comes within the definition of ‘materials.’ You are not restricted by the provisions of section 56 of the Conservation Law, under which certain powers are given to the Conservation Commission over State reservations since this section is limited to reservations where ‘custody and supervision’ has not been committed by law to any other State officer or State officers as these are defined in section 2 of the Public Officers Law. In an

opinion of the Attorney-General printed at page 113 of the report for 1912, it was held that the Commissioners of the Niagara Reservation are State officers. It is true you have, under section 102 of Public Lands Law 'control and management' of the Reservation instead of the 'custody and supervision' mentioned in section 56 of the Conservation Law. However, this is immaterial, since the sense of the two provisions is the same, and I believe your powers in the particular instance are exclusive.

This conclusion results in withholding from you the power to sell the standing timber as part of the realty. It has often been held by this Department, that within constitutional limitations, power to dispose of State property rests in the Legislature until delegated to public officers by statute. Since there is no statute permitting you to sell this standing timber, I am of the opinion that you are without such power. It may be, however, that the federal government, under its war powers, has authority to appropriate this timber, and pay the State for the same. This, however, is a federal question upon which I hesitate to pass any opinion.

Very truly yours,

MERTON E. LEWIS,

Attorney-General

By GEORGE A. FISHER,

Second Deputy.

APPENDIX H

BEFORE THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE OF
REPRESENTATIVES

Brief submitted by the Committee appointed by the Governor to oppose H. R. 11,871, by Mr. Flood, entitled

“A BILL for the control and regulation of the use of boundary waters of the United States for power purposes, and for other purposes.”

CREATION OF THE COMMITTEE

On May 21, 1918, the Governor of the State of New York addressed the following letter to each of the United States Senators from New York:

May 21, 1918

MY DEAR SENATOR: I am informed that a hearing will be held on Thursday morning of this week before the House Committee on Foreign Affairs, on the so-called Flood Bill, for the control and regulation of the use of boundary waters of the United States for power purposes and for other purposes — being H. R. 11,871.

The people of the State of New York have not to any extent learned of the provisions of the bill. They are not aware of the fact that a large potential source of revenue, the property of all the people of the State, is being appropriated by the Federal Government without compensation.

For upwards of half a century the highest courts of this State have constantly upheld the right of the State to control and regulate the great water powers of the Niagara and St. Lawrence rivers. This right has been sustained by the Supreme Court of the United States.

The water power of the State of New York, derived from its boundary waters, is one of its most valuable assets. Over one-half of the total water power of the State is derivable

from its boundary waters, and it is held by the State for the benefit of its citizens.

I recommended to the Legislature at the last session the passage of suitable legislation to enable the State to utilize the undeveloped water powers and the appointment of a commission to market the power thus created. This power could be made available to all the people of the State through long distance transmission lines, to the great benefit of the citizens and a large revenue to the State.

The bill would authorize the Secretary of War to take the property of the people of the State of New York, without compensation, and give it to such licensees as he may select. Under its provisions the Secretary of War may make any annual charge for its use, and the sums derived therefrom shall be expended under his direction and in his discretion exclusively for Federal purposes.

It is apparent that by reason of the charges imposed by the Secretary of War, the price of power to users in the State of New York will be increased. The Federal charge will not fall upon the power companies, but upon the consumers. Thus, while the people are being deprived of their resources, they at the same time will be compelled to bear an additional burden.

The State as you know has cooperated with the Federal Government in every possible way to bring about a successful prosecution of the war. It is said that the bill is a war measure. I submit, however, that the appropriation of the State's property has no relation to the waging of the war as the bill provides for a leasing of power on all boundary streams of the State for a period of fifty years, with a privilege of renewal. To provide that the property of the State shall be leased for so long a period indicates that it is not strictly a war measure.

I do not admit that the Federal Government has any power to permit its licensee to condemn the the State's property, as provided in this bill. Even the State reservation at Niagara Falls would be subject to this peril, under its provisions. The powers vested by the bill in the Secretary of

War are not the subject of review, either by the courts, or Congress, or even by the President.

The question involved is a vital one to the people of this State. That question is whether or not the State will surrender rights of incalculable importance which it has exercised unchallenged for over half a century, and turn over to the Federal Government not only the possible revenue to be derived therefrom but the control of the method of development.

I say without hesitation that the State will continue to do everything in its power to carry out any plans of the Federal Government to obtain additional power.

At the request of the War Department the Legislature passed and I approved a bill permitting the consolidation of certain power companies at Niagara Falls, the result of which consolidation, I am informed by the War Department, will be to produce many thousand additional horse power.

There is no reason, however, for depriving the State of its property in order to obtain additional power, and there is no need of the passage of legislation so opposed to the sovereign right of the State.

It is my purpose to appoint a committee to protect the State's rights at the hearing, and I, therefore, suggest that owing to the short notice, you request that it be adjourned for a reasonable time — say a period of two weeks.

With kindest personal regards, I remain,

Very truly yours,

CHARLES S. WHITMAN.

When the Governor received word that a committee would be given an opportunity to be heard on June 4th, he immediately appointed the following committee, which submits this brief:

Nathan L. Miller (Chairman), George Clinton, William W. Cocks, William N. Dykman, Martin H. Glynn, D-Cady Herrick, Willis Sharpe Kilmer, Merton E. Lewis, Franklin B. Lord.

Louis Marshall, William Fellowes Morgan, William Nottingham, Morgan J. O'Brien, E. H. Onderbridge, Alton B. Parker, George D. Pratt, Francis M. Scott, R. A. C. Smith, Arthur E. Sutherland, Ansley Wilcox.

THE BILL

The purpose of this bill is to vest in the Federal Government the exclusive right to dispose of the water in boundary streams to be used to generate power.

It is a vital question to the people of the State of New York and affects not only the Niagara river, but the St. Lawrence river as well. Half of the hydraulic power within the boundaries of the State of New York is derivable from these two rivers.

It gives to the Secretary of War the absolute supervision and regulation and authorizes his licensees to condemn property anywhere in the State of New York for the purpose of power development or transmission lines.

While there are many provisions of the bill which the committee might criticise, it prefers to base its objection to the bill on the impairment of the State's sovereign right to use the waters passing over the bed of a boundary stream, the title to which bed is in the State of New York.

The courts have frequently held that the title to the beds of boundary streams is in the State, subject to the servitude in respect to navigation, paramount authority over which is vested in the Federal Government by the Constitution.

Moreover, the State, by reason of its ownership of the State reservation at Niagara Falls, occupies an unassailable strategic position as riparian owner at the vital point of the fall.

FEDERAL LEGISLATION RELATING TO CONTROL OF DIVERSION OF WATER FOR POWER PURPOSES AT NIAGARA FALLS

From the earliest times up to 1906, when the Burton act was passed, the State of New York exercised exclusive jurisdiction over the diversion of the waters of the Niagara river for power purposes.

In 1906 Congress passed the so-called Burton Law (approved June 29, 1906), for the control and regulation of the waters of

the Niagara river, for the preservation of Niagara Falls, and for other purposes. This act prohibited the taking of water from the Niagara river for a period of three years except upon revocable permits issued by the Secretary of War. Its provisions were from time to time extended up to and including the year 1913, when an attempt was made to pass legislation which would in effect make permanent the provisions of the Burton act. The passage of such legislation was successfully opposed by officials of the State of New York and the Burton act became inoperative by its own terms.

Under the Burton act the Secretary of War issued the following permits:

To the Niagara Falls Power Company, 6,500 cubic feet per second.

To the Hydraulic Power Company, Niagara Falls, 8,600 cubic feet per second.

To the Lockport Hydraulic Co., 500 cubic feet per second.

Although the Burton act expired in 1913 the companies continued to divert water under their State grants.

Congress, in January, 1917, by joint resolution (Resolution No. 45 of the Sixty-fourth Congress), authorized the Secretary of War to issue temporary permits for the diversion of additional waters at Niagara Falls up to and including July 1, 1917.

On June 30, 1917, another resolution was passed, continuing in full force Resolution No. 45 of the 64th Congress above referred to until July 1, 1918; so that on July 1st next the control of the Secretary of War over the diversion of water in the Niagara river will cease, unless some action be taken by Congress.

In 1910 a treaty was ratified with Great Britain, which provided that there might be diverted within the State of New York of the waters of the Niagara river above the falls of Niagara for power purposes not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet per second. The United Kingdom, by the Dominion of Canada or the Province of Ontario, might authorize and permit a diversion within the Province of Ontario of the waters of said river above Niagara Falls for power purposes not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of water per second. The diversion of

any other boundary streams was to be equally shared by the two governments. This latter provision would apply to the St. Lawrence river and the Niagara river below the falls of Niagara.

On several occasions the officials of the State of New York have appeared before committees of Congress to oppose the passage of bills similar to the one under consideration. This committee requests that all statements and arguments made on behalf of the State of New York on such occasions be included in and considered as a part of this brief.

The committee refers specifically to the statements made at hearings held on January 23 and 24, 1913, before the Committee on Foreign Affairs of the House of Representatives, and to the remarks of the then Attorney-General of the State of New York: the statement of Hon. James A. O'Gorman, United States Senator from the State of New York; the statement of George E. Van Kennan, chairman of the Conservation Commission; and the statement of the counsel to the Conservation Commission.

The committee also refers to the statement made at the hearing on H. R. 2498 on February 9, 1914, by Hon. Henry P. Velie, Hon. Martin H. Glynn and Hon. Charles A. Towne.

The committee also submits herewith a memorandum of authorities submitted in 1913 to the Committee on Foreign Affairs by the then Attorney-General of the State of New York.

STATE LEGISLATION PERMITTING THE DIVERSION OF WATER FOR POWER PURPOSES FROM THE NIAGARA RIVER AND ST. LAWRENCE RIVER

Prior to the passage of the Burton act, the State, exercising exclusive jurisdiction over the diversion of water, passed the acts hereinafter set forth:

The Hydraulic Power Company of Niagara Falls was organized on or about May 6, 1878, under the Business Corporation Law (chapter 611, Laws of 1875) to utilize and develop water power in the village of Niagara Falls in connection with the hydraulic canal which was built about 1857.

As a result of the opinion of the Attorney-General (Attorney-General's report for 1895, page 322) that the State held propri-

etary title not only to the bed of the river but to the waters flowing over it, and that this company as a riparian owner was limited to the use thereof for "personal uses solely," and not for manufacturing purposes, and that, in any event, its riparian rights did not include the right to transmit water or power produced therefrom to locations far removed from the riparian property. the company secured the enactment of chapter 968 of the Laws of 1896, entitled "An act confirming and defining certain riparian rights of the Niagara Falls Hydraulic Power and Manufacturing Company." Pursuant to the provisions of this act the company was allowed to take all the water that could be carried by a canal 100 feet wide and 14 feet deep.

The first authorization by special act of the Legislature for the diversion of water from the Niagara river was made by chapter 83 of the Laws of 1886, which chartered the Niagara Falls Power Company, which was known at that time as the Niagara River Hydraulic Tunnel Power and Sewer Company of Niagara Falls.

The charter as amended up to the present time provides for the right to use sufficient water to develop 200,000 horse power. (Chap. 513, Laws 1892.)

Pursuant to the provisions of chapter 596 of the Laws of the State of New York for the year 1918, the Niagara Falls Power Company and the Hydraulic Power Company of Niagara Falls were permitted to consolidate and by virtue of the provisions of chapter 597 of the Laws of the same year the Legislature of the State of New York granted to the new corporation so formed the right to use the full 20,000 cubic feet per second provided for by the treaty, with the reservation that if it used more than 15,100 cubic feet per second, the State should be entitled to charge an equitable rental therefor in such manner as might be provided by law. This 15,100 cubic feet per second was the total amount which was authorized to the consolidating companies by the Secretary of War during the existence of the Burton act.

The Niagara County Irrigation and Water Supply Company was incorporated by chapter 259 of the Laws of 1891. This enterprise has never been carried toward completion to any appreciable extent, and no water has been diverted.

The Niagara Power and Development Company was incorporated by chapter 707 of the Laws of 1893, which was amended by chapter 95 of the Laws of 1894, chapter 605 of the Laws of 1894, chapter 754 of the Laws of 1894, and chapter 920 of the Laws of 1895. No construction work has been commenced by this company.

The Niagara, Lockport and Ontario Power Company was incorporated by chapter 722 of the Laws of 1894. As construction work had not been commenced in 1904, it probably forfeited its charter under the provisions of the act.

There was no limitation upon the amount of water which the three last above mentioned companies might divert.

The Lower Niagara River Power and Water Supply Company was incorporated by chapter 539 of the Laws of 1902. The company was authorized to develop 200,000 horse power by utilizing the fall in the gorge below the falls, but it has never commenced work on any plant to utilize its grant.

There are no outstanding charters in the St. Lawrence river granted by special act of the Legislature.

The Long Sault Development Company was incorporated and received its franchise by reason of the provisions of chapter 355 of the Laws of 1907, entitled "An act to incorporate the Long Sault Development Company and to authorize said company to construct and maintain dams, canals, power houses and locks at or near Long Sault Island, for the purpose of improving navigation of the St. Lawrence river and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities."

This act was held to be unconstitutional by the Court of Appeals (212 N. Y. 1), and the act of 1907 was repealed by chapter 452 of the Laws of 1913.

The opinion of the Court of Appeals was commented on favorably by the Supreme Court of the United States (242 U. S. 272, at page 280).

At Waddington, N. Y., the New York & Ontario Power Company, by reason of its alleged riparian ownership on Little river, claims the right to develop water power from St. Lawrence river to the extent of about 30,000 horse power, but no right to the use

of the bed of the stream by such company has ever been granted by the State of New York.

Prior to 1906 the companies diverting water for power purposes on the Niagara river were not required to obtain any authorization from the Secretary of War, or any other Federal authority, and the entire control over the use of the water for power purposes was vested in the Legislature of the State of New York and had been exercised by the acts heretofore referred to. Furthermore, the Legislature by numerous other acts authorized the diversion of water for canal purposes to private companies as early as 1798.

THE STATE'S CLAIM TO JURISDICTION OVER THE DIVERSION OF WATER FOR POWER PURPOSES ON BOUNDARY STREAMS

The effect of the treaty with Great Britain was to leave the State of New York in a position to continue to assert its legal rights and those of its citizens to the water authorized to be diverted by the treaty.

There was no necessity for congressional action after the ratification of the treaty to release to the State the surplus waters, subject to the jurisdiction and control of the Federal Government over the river for the purposes of navigation, commerce and defense.

The authority of the Federal Government over these waters is derived exclusively from the powers surrendered by the State when it ratified the Constitution of the United States.

This Federal authority is purely a sovereign power for specific public uses and does not carry any proprietary or sovereign right except those above referred to. All other title, interest and control over the river, belongs to and is vested in the State of New York or in the individual riparian owners, or both, and the Federal Government has no legal authority or power, either judicial or legislative, to fix or determine the use of the waters as between the State and such individual owners.

The Supreme Court of the United States, in the case of *Martin v. Waddell*, 18 Pet. 367, held that when the American Revolution was concluded the people of each State became sovereign and in that character held the absolute right to all their navigable waters

and the soils under them, for their common use, subject only to the rights since surrendered by the Constitution to the General Government.

In the case of *Hardin v. Jordan*, 140 U. S. 371, the court, in speaking of the title to the shore and lands under the waters of navigable streams, said:

“Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with the regulations which may be made by Congress with regard to public navigation and commerce.”

This principle maintained from the earliest period by the United States Supreme Court and succinctly stated in *Water Power Company v. Water Board*, 168 U. S. 358, namely, that subject only to the Federal right of control under constitutional authority to regulate navigation and commerce, all the rights of ownership and beneficial use of the beds and waters of navigable streams have remained in the states, has been followed consistently (*Illinois Central Ry. v. Illinois*, 146 U. S. 387; *Kansas v. Colorado*, 206 U. S. 46; *United States v. Chandler Dunbar Co.*, 229 U. S. 53) and has but recently been reiterated in *United States v. Cress*, (March 12, 1917), 243 U. S. 316, 319:

“The States have authority to establish for themselves such rules of property as they may deem expedient with respect to the streams of water within their borders both navigable and non-navigable, and the ownership of the lands forming their beds and banks (*Barney v. Keokuk*, 94 U. S. 324, 338; *Packer v. Bird*, 137 U. S. 661, 671; *Hardin v. Jordan*, 140 U. S. 371, 382; *Shively v. Bowlby*, 152 U. S. 1, 40, 58; *St. Anthony Falls Water Power Co. v. St. Paul Water Commissioners*, 168 U. S. 349, 358), subject, however, in the case of navigable streams, to the paramount authority of Congress to control the navigation so far as may be necessary for the regulation of commerce among the States and with foreign nations (*Shively v. Bowlby*, 152 U. S. 1, 40; *Gibson v. United States*, 160 U. S. 269, 272; *Scott v. Lattig*, 227 U. S. 229, 243; * * *)”

The proposed Flood bill assumes to draw unto the Federal government powers additional to that over the care and improvement of navigation; and all the Federal powers over a boundary river perhaps would be asserted by the promoters of the bill to be as follows:

- (1) The jurisdiction over navigation and commerce.
- (2) Control of a boundary river for the purposes of national defense.
- (3) Control of a boundary river to protect treaty engagements with respect to the river.
- (4) Control of the river to preserve the lines fixed as a boundary.

We may lay aside without extended comment the alleged jurisdiction under (2) and (4), namely: the jurisdiction over a boundary river in the interests of national defense and the jurisdiction over such a river to keep intact the boundary line where such boundary line may run in the channel of the stream. The national defense justification is based upon its appropriate sound. Surely it cannot be urged as an excuse for this bill which authorizes a fifty-year license. As a matter of fact the Federal government would have the same jurisdiction over any stream—a boundary or not a boundary stream—were the river actually needed for national defense purposes. With respect to a change through diversion of water of a boundary line running in the middle of a channel, it may be answered briefly that such a change of boundary cannot be effected by an artificial change of the channel, the old boundary line would remain where the middle of the channel existed when the treaty was entered into (*Arkansas v. State of Tennessee*, 246 U. S. 158).

There is left then for discussion only the Federal power over navigation and commerce and the Federal power to protect treaty obligations relating to the use of the waters of a boundary stream. The jurisdiction of the Federal government to license the diversion of waters of a boundary stream for the purposes of power development must therefore, if it exists, be found encompassed within either one of the two foregoing powers.

We readily admit that the Federal government has a right within certain limits to control the diversion of waters of a bound-

ary river. That is, the Federal government in order to protect navigation may fix the maximum quantity of water which may be diverted from the river. It may also in adjusting international rights fix by treaty such a maximum, but as to who shall divert and for what purposes — such questions are for the State alone.

The Chandler Dunbar case (229 U. S. 53) has established the proposition that the Federal government after constructing a dam in a boundary river *in the interest of navigation* may lease any excess of power developed therefrom. The court nowhere in that opinion, however, intimates that the Federal government simply by reason of its navigation jurisdiction over a boundary stream could build a dam for power purposes only or could lease the waters for power purposes unconnected with a navigation improvement.

It is not necessary to the proper exercise of Federal jurisdiction in limiting the amount of diversion to protect navigation or treaty obligations, that the Federal government should itself issue permits, and more certainly it is not a necessary incident to Federal power to determine *who* shall use such waters or *for what purposes* such persons shall use them.

Unconnected with a navigation or treaty power, it cannot possibly be urged that Congress has a right to regulate the diversion of these waters. The Flood bill, however, attempts to do that very thing. It sets up wholly apart from navigation improvement or treaty considerations a power development plan. This, we repeat, the Federal government cannot do. So long as Congress under its paramount power over navigation does not undertake the protection or improvement of the navigation of a boundary river, a power to improve navigation in that river remains in the State. (*Passaic Bridge case*, 3 Wall. 782; *Wilsons v. Black Bird Marsh Co.*, 2 Peters, 250; *Gilman v. Philadelphia*, 3 Wall 713; *Escanaba Co. v. Chicago*, 107 U. S. 679; *Cummings v. Chicago*, 188 U. S. 410; *Union Bridge Co. v. United States*, 204 U. S. 364; *Montgomery v. Portland*, 190 U. S. 89; *Long Sault Development Co. v. Hall*, 242 U. S. 272), and likewise so long as Congress does not undertake to improve navigation, a power to control the use of the waters remains in the State subject of course to any limitations by treaty. It is not the possession of a navigation or a

treaty power by congress which excludes the states from their right to improve navigation or their right to use the waters, but rather it is the *exercise* of congressional power in its field of commerce or treaty which excludes the states. Surely Congress has no navigation or treaty project in contemplation under the Flood bill. It is wholly a power proposition.

VALUE OF THE NATURAL ADVANTAGE WHICH THIS BILL SEEKS
TO APPROPRIATE

The cost of producing one horse-power for one year, in a project combining the total fall in the Niagara river from the falls to North Lewiston, has been estimated very many times by competent engineers. These figures vary from a little over three dollars to about five dollars per horse power per year. A steam plant of the same magnitude and with the same operating conditions could furnish power at about thirty dollars per horse power per year. It is obvious that the sale price of power generated by water will ultimately be governed by the price of power generated by steam. The measure of the natural advantage which the water power of the Niagara river affords to the region if undisturbed by Federal jurisdiction, is then the difference between thirty dollars per year per horse power and, the average, four dollars per year per horse power, or twenty-six dollars per year per horse power. With 20,000 cubic feet per second on the total fall in the river, approximately 600,000 horse power can be developed continuously. The total value of the natural advantage, is, then, \$15,600,000 per year.

On the St. Lawrence river, at the Galep, Plat and Long Sault Rapids, an aggregate of about 1,000,000 horse power can be developed. The estimate by competent authority of the cost of generating power from a plant at Long Sault is six dollars per horse power per year. We will apply this rate of cost to the power produced on the entire river. As before, the measure of the value of this natural resource is the difference between the cost of steam-produced power and cost of water power, or twenty-four dollars per horse power per year. Half of the 1,000,000 horse power derivable from the St. Lawrence river, under the treaty between Great Britain and the United States, would belong to the State

of New York, and the total value of this natural resource is thus \$12,000,000 per year.

Thus this bill seeks to confiscate property which ultimately must be worth to the State of New York, \$27,600,000 per year, which, capitalized at six per cent, gives \$460,000,000. This, then, is the present value of this natural resource to the people of the State of New York, if unimpaired by any such legislation as is proposed in this bill.

It is obvious that any charge made by the Federal government for the use of power would decrease by just that amount the enjoyment by the people of the State of New York of the use of this natural advantage.

Congress has already recognized the right of a locality situated on a water route to profit by its natural advantages, for it allowed railroads to make freight rates from the east to Pacific coast points lower than to inter-mountain territory, because of competition of the Atlantic-Pacific ocean carriers. The Interstate Commerce Commission was authorized to grant permission to a railroad to charge more for a shorter than a longer haul over the same route. Such action of the Interstate Commerce Commission was approved by the Supreme Court of the United States in the Inter-Mountain Rate Cases (234 U. S. 477).

THE STATE OF NEW YORK HAS ALREADY ENTERED UPON A COMPREHENSIVE PLAN FOR DEVELOPING ITS WATER POWER AND DERIVING A REVENUE THEREFROM.

In the fall of the year 1917 the Governor of the State of New York appointed the State Engineer, Attorney-General, Superintendent of Public Works and Conservation Commissioner, a committee to advise him on the subject of a policy in relation to the undeveloped water powers of the State.

A copy of the report of that committee follows:

December 19, 1917

"To His Excellency, CHARLES S. WHITMAN, Governor of the State of New York:

"The undersigned appointed by you as a Committee to advise on the subject of a policy in relation to the undeveloped water powers of this State, beg to report as follow-:

“Your Committee has decided upon submitting to you four suggestions, the first two of which, while concrete in themselves, necessarily have a direct bearing upon the third, and in the opinion of your Committee should be effected in order to permit of a proper and certain accomplishment of the third suggestion.

“ 1. To amend the Constitution so as to take from the legislature the power to grant away, by private bills, the water powers of the State.

“ 2. To repeal Article 7-A of the Conservation Law which provides for river regulation by storage reservoirs.

“ 3. The immediate passage of appropriate legislation to enable the State to develop the undeveloped water powers of the State through a Commission to be appointed by the Governor and to market the power thus developed under the direction of such Commission.

“ 4. The immediate passage of appropriate legislation authorizing the Superintendent of Public Works, with the approval of the Canal Board, to dispose for proper returns by lease, of surplus water power created as a result of the construction of the Barge canal.

“Attached hereto are appendices briefly setting forth the reasons for these suggestions and a detailed list of the water powers within the State, developed and undeveloped, both of private and State ownership.

“ Respectfully submitted,

“(Signed) FRANK M. WILLIAMS,

State Engineer,

MERTON E. LEWIS,

Attorney-General,

W. W. WOTHERSPOON,

Superintendent of Public Works,

GEORGE D. PRATT,

Conservation Commissioner,

Chairman.”

Appendix "A" is the only one of the appendices referred to in the report which is pertinent to the matters under discussion, and reads as follows:

"APPENDIX A.

"If the State is to develop its water powers and dispose of the same by appropriate leases or concessions, the power of the Legislature to grant away such water powers by private bills must be abridged by constitutional amendment. Such a law would be not only a protection to the State in the carrying out of its policies in regard to water power development, but would also be a protection to the Legislature against powerful outside interests.

"The article of the Conservation Law, known as article 7-a, was added by chapter 662 of the Laws of 1915 and provided a plan for river regulation by storage reservoirs. Several attempts were made to initiate proper proceedings under its provisions and as a result of such attempts the article was amended in certain respects by chapter 584 of the Laws of 1916. In 1916 the Glens Falls Chamber of Commerce filed a petition under this article and several hearings have been held on such petition and testimony taken. From the very inception of this proceeding doubt existed as to the effectiveness of the provisions of this article and, on December 12, 1917, the petitioner made a formal motion for leave to withdraw its petition. This motion was granted. The hearing was published for the 4th day of December, 1916, and during the past twelve months extended adjournments were had to enable the petitioner to establish the allegations of its petition with the result above stated.

"To your Committee it is apparent that Article 7-a is unworkable as well as unnecessary and may tend to embarrass the policy of the State should suggestion three of this report be adopted. In the opinion of your Committee Article 7 of the Conservation Law, entitled 'River Improvement,' gives the Conservation Commission all the power necessary to regulate the flow of rivers not only for the protection of private property but also of the public health.

" The subject submitted to your Committee presents so many questions direct as well as collateral, and the legal propositions involved are of such an intricate character that your Committee in submitting the third suggestion decided to submit it as a statement of the policy to be adopted by the State and to support it by reasons in this appendix.

" From an inspection of the data, compiled by the former State Water Supply Commission and later by the present Conservation Commission, which succeeded to all the powers and duties of the former commission — an abstract of this data is attached hereto — Appendix B — it is apparent that the water power possibilities of this State are of the greatest value and that many of them are owned by the State.

" It is a well known fact that throughout the United States three or four corporations own or control 80 per cent of the available water power sites of the country, of which 80 per cent in 1913 only 43 per cent was developed. There are various reasons for this lack of development. Some are undeveloped intentionally and some because it is impossible to get the necessary capital. Applying this to the State of New York, the development of its water power should be under the control of somebody that can command the necessary finances and has the power and resources to develop the water powers of the State to their fullest capacity. Such a body, in the case in question, is the State of New York. After the water has been impounded at the various power sites the State should, by proper legislation, be empowered to sell, lease or by other methods dispose of the power developed on the basis of a proper return to the State for definite periods but for all times retaining title to such water power. Your Committee appreciates that this will involve the State in the expenditure of large sums of money but it is confident that the people of this State will welcome the initiation of a definite policy by the State, which, under proper management, will bring in returns to the State fully commensurate with the capital to be invested.

" The requirements of the munitions industries for power, the shortage of chemicals carrying nitrogen, and the neces-

sity for the extension of our iron and steel industries by increased production of refined iron and steel, are emphasized at the present time. On the Niagara frontier the Canadian Government is withdrawing electric power generated on the Canadian side from Niagara Falls for use in their munition factories. As a result the price of the carriers of nitrogen used in the manufacture of fertilizer has more than doubled on account of the diversion of these nitrogen compounds to the explosive manufacturers. The farmers of the State are unable to obtain this, the most necessary of the fertilizers, in quantities sufficient to produce the best yields, and our cereal and vegetable crops are seriously shortened on this account. The development of the water power of the State will tend to alleviate this situation, greatly to the benefit of the farmer as well as of the State's other forms of industry.

“With regards to suggestion 4. Under the present laws the State is prohibited from disposing of any surplus water created by canal improvement. Your Committee feels that the power thus collected should be utilized by leasing under such terms and conditions as would absolutely safeguard the canal interests. The surplus power created incidentally by the construction of the canal is now being wasted. The increasing cost of maintaining our State Government is a continuing serious problem and the direct revenue to the State can be increased, without appreciable expense to it, by leasing the surplus waters.”

The Governor, in his message to the Legislature in January, 1918, transmitted a copy of the report and stated that he heartily indorsed the same, and recommended that legislation should be enacted carrying out the recommendations of the committee.

CONCLUSIONS

In conclusion, the following propositions are submitted as not now being open to debate.

As an incident of sovereignty, the ownership of and dominion and sovereignty over lands under navigable waters, including tide

waters and boundary streams, belong to the respective States within which they are found, with the consequent right in the States to use or dispose of any portion thereof, subject only to the paramount right of Congress to regulate commerce, conferred by subdivision 3, section 8, article 1, of the Constitution of the United States.

Pollard v. Hagen, 3 How. (U. S.) 213.

Goodtitle v. Kible, 9 How. 471.

Den v. Jersey Co., 15 How. 426.

Smith v. Maryland, 18 How. 71.

Weber v. Harbor Commissioners, 18 Wall. 57.

McCready v. Virginia, 94 U. S. 391.

Manchester v. Massachusetts, 139 U. S. 240.

Hardin v. Jordan, 140 U. S. 371.

Illinois Central R. R. Co. v. Illinois, 146 U. S. 387.

The title to the beds of navigable waters, including boundary streams, is either in the State or the riparian owner, according to the local law.

U. S. v. Chandler Dunbar Co., 229 U. S. 53.

The New York rule is that the title to such land is in the State itself.

Matter of Long Sault Development Co., 212 N. Y. 1.

The jurisdiction of the States and of the Federal government over navigable waters is concurrent. Congress can only exercise the powers delegated to it. While paramount within its sphere, *i. e.*, the regulation of commerce, which comprehends navigation, Congress has no power whatever to go outside of that sphere and to interfere with that which is exclusively within the sovereign power of the State. It has no power to appropriate the property of the State for a purpose over which it has no jurisdiction. Over matters within its jurisdiction the power of the State is supreme

and is subject only to the paramount power of Congress to regulate commerce.

Cummings v. Chicago, 188 U. S. 410.

Montgomery v. Portland, 190 U. S. 89.

Kansas v. Colorado, 206 U. S. 46.

Gring v. Ives, 222 U. S. 365.

United States v. Kress, 243 U. S. 316.

The proposed bill is a power project solely and does not purport, in any sense, to deal with the regulation of commerce. As a precautionary measure only the Secretary of War is, by subdivision B of section 7 and by section 9, given power to issue regulations or remedial orders and to include provisions in licenses to preserve and improve navigation or to retain the proper volumes of the streams as boundary lines or their efficiency as means of national defense. Those are saving provisions only. The purpose of the bill, as its title and entire text indicate, is to confer upon the Secretary of War, the absolute control and regulation of boundary waters "for power purposes." This is the primary purpose of the bill, not a purpose which is merely incidental to the exercise of some power possessed by Congress.

Congress has heretofore in different rivers and harbors bills provided for the leasing of surplus water power developed by public improvements in aid of navigation. In such case the power is exercised as a mere incident to the power to regulate commerce.

"The true distinction seems to be between cases where the dam is erected for the express or apparent purpose of obtaining a water power to lease to private individuals, or where in building a dam for public improvement, a wholly unnecessary excess of water is created, and cases where the surplus is a mere incident to the public improvement and a reasonable provision for securing an adequate supply of water at all times for such improvement."

Kaukauna Co. v. Green Bay, etc., Canal, 142 U. S.
254, 275.

The bill does not purport to be a war measure and cannot be justified as such.

By the consolidation of the existing power companies at Niagara Falls, authorized by the State of New York, the maximum amount of water which under the treaty can be diverted, *i. e.*, 20,000 cubic feet per second, will be used in the most economical manner possible. There is, therefore, no excuse for the proposed legislation, even if Congress had jurisdiction over the subject of the development of water power on lands owned by the States in their sovereign capacity. Moreover, the bill does not purport to be a war measure. The leases are to be for fifty years, with power of renewals, with power to approve contracts extending beyond the fifty-year period and with power to take over the "project," even though the State itself may be the licensee.

The committee submits that it has demonstrated that the proposed measure violates the provisions of the Constitution of the United States.

It has shown the value of the natural advantages of the State of New York which this bill seeks to appropriate and the State's plans for the development of its water power.

It is now for the proponents of this measure to show what they propose to accomplish by its passage which cannot be accomplished under State control.

If the Federal authorities need water power, have they made their needs known to the State?

Assuredly not; for the history of the State since our entrance into the war shows that every request of the Federal authorities has been complied with instantly.

In this very matter of power, how prompt was the State to comply with the request of the Secretary of War.

On April 5th last a letter was received from the Acting Secretary of War requesting legislation permitting the consolidation of Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls.

This letter was immediately transmitted to the legislative leaders. Immediately a bill was passed, and approved by the

Governor on May 10th, which permitted the consolidation and thereby increased their output of power at Niagara Falls.

Numerous other instances could be submitted which indicate clearly that the State would respond eagerly to any such request.

The bill, which is unjust in principle and violates every right of the State, is much more obnoxious when we consider that the State is ready and willing to carry out every request of the United States to aid in the successful prosecution of the war.

Respectfully submitted,

THE COMMITTEE APPOINTED BY THE GOVERNOR
OF THE STATE OF NEW YORK TO OPPOSE THE
PASSAGE OF H. R. 11871, BY MR. FLOOD,
ENTITLED "A BILL FOR THE CONTROL AND
REGULATION OF THE USE OF BOUNDARY WATERS
OF THE UNITED STATES FOR POWER PURPOSES,
AND FOR OTHER PURPOSES."

APPENDIX I

MEMORANDUM OF AUTHORITIES SUBMITTED TO THE COMMITTEE
ON FOREIGN AFFAIRS ON BEHALF OF THE STATE OF NEW
YORK BY THOMAS CARMODY, THE ATTORNEY-GENERAL,
JANUARY, 1913

The title of the Niagara river to its center and to the waters that pass over that portion of the river is in the State of New York and individual riparian owners. The use by the State or by the individual riparian owners is subject, first, to international regulation and, second, to Federal regulation.

It is unnecessary to discuss the control to be exercised by international action; this subject is regulated by treaty, and it is under the terms of that treaty that the State of New York asserts the rights it herein contends for. The only question here is one of Federal or State control over that portion of the water permitted to be diverted by the treaty between the United States government and Great Britain dated January 11, 1909, viz., 29,000 cubic feet per second. Great Britain by the treaty has released all the rights which that government had to that portion of the water.

The only necessity for congressional action after the ratification of the treaty was to release from the jurisdiction and control which the Federal government has in the river, solely for the purposes of navigation, commerce and, possibly, fortification. The State does not concede, strictly speaking, that any action is necessary on the part of the Federal government in order to permit the State or the riparian owners to use the full amount of water permitted to be diverted by the treaty.

The effect of the treaty is to permit the State of New York to assert its legal rights and those of its citizens to the water permitted to be released by the treaty.

Upon this subject the following elementary principles are advanced:

First. The authority of the Federal government over these waters arises solely from the power reserved to the Federal government by the Federal Constitution, viz., to regulate commerce between the several States and foreign nations.

Second. This Federal authority is purely a sovereign power for a specific public use, and does not carry with it any proprietary sovereign right except to control navigation. All the title and interest in the river, other than this, belongs to the State of New York or to the individual riparian owners, or both, and the Federal government has no legal authority or power, either judicial or legislative, to fix or determine as between the State and an individual owner the limitations between State or individual ownership or control of this water power.

The above propositions are well settled by numerous decisions of the United States Supreme Court. They are in harmony with the decisions of the highest court of the State of New York.

The leading case on the subject, and which holds the principles above outlined, is *Martin v. Waddell*, 16 Pet. 367.

The court there held that when the American Revolution was concluded the people of each State became sovereign, and in that character held the absolute right to all their navigable waters and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the general government. This right, as pointed out by the court, was the right to regulate commerce between the several States and foreign nations.

In *Pollard v. Hogan*, 3 How. 212, it was held that the shores of navigable waters and the soils under them were not granted by the Constitution of the United States, but were reserved to the States respectively. That was an Alabama case, and the court held, in addition to the above principle, that the new States had the same rights, sovereignty and jurisdiction in respect to the waters of navigable streams as the original thirteen States.

In *Barney v. Keokuk*, 94 U. S. 324, it was decided that the rights of riparian owners on the banks of the Mississippi river were subject to control and regulation by the laws of the States within which the lands were included. The opinion in that case states that the Great Lakes and other navigable waters of the

country, above as well as below the flood of the tide, are, in the strictest sense, entitled to the denomination of navigable waters, and amenable to admiralty jurisdiction, and that there is no sound reason for further adhering to the old rule as to the *proprietaryship of the beds and shores of such water*. The court added that the proprietaryship of the beds and shores of such waters properly belongs to the States by their inherent sovereignty.

In *Hardin v. Jordan*, 140 U. S. 371, the court said, in speaking of the title to the shore and lands under the waters of navigable streams:

“Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with the regulations which may be made by Congress with regard to public navigation and commerce.”

The court further said in the above case:

“This right of the states to regulate and control the shores of tide waters and the land under them, is the same as that which is exercised by the Crown in England. In this country the same rule has been extended to our great navigable lakes, which are treated as inland seas; and also in some of the states, to navigable rivers, as the Mississippi, the Missouri, the Ohio, and in Pennsylvania to all the permanent rivers of the state, but it depends on the law of each State *to what waters and to what extent this prerogative of the State over the lands under water shall be exercised*.”

This brings us to the precise question that is now involved in the proposed legislation, and is full authority for the contention of the State that the disposition to be made of the surplus waters allowed to be diverted from Niagara river *depends upon the laws of the State of New York*, and it is also for the State to decide to what extent this power shall extend over these waters.

The United States Supreme Court in *Water Power Co. v. Water Board*, 168 U. S. 358, reasserted the principle that *subject only to the Federal right of control under constitutional authority to regulate commerce, that all the rights of ownership and beneficial*

use in the beds and waters of navigable streams pass to the State.
This is also held in the following cases:

St. L. v. Rutz, 138 U. S. 226, 242.

*Kaukauna Water Power Co. v. Green Bay and Miss.
Canal Co.*, 142 U. S. 254.

St. Louis v. Myers, 113 U. S. 566.

Shirely v. Bowlby, 152 U. S. 1.

Illinois Central Ry. v. Illinois, 146 U. S. 387.

In the latter case the court said:

“That the State holds the title to the lands under the navigable waters of Lake Michigan, within its limits, in the same manner that the State holds title to soils under tide water, by the common law, we have already shown, and that title necessarily carries with it control over the waters above them whenever lands are subjected to use.”

In *Kansas v. Colorado*, 206 U. S. 46, the United States Supreme Court covered in unmistakable language the whole subject involved in this litigation. It held that:

“The Government of the United States is one of enumerated powers; that it has no inherent powers or sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people, and that if, in the changes of the years further powers ought to be possessed by Congress, they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the territories and may control the flow of waters in their streams, *it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is, subject to the exception named, vested in the State.*”

The tenth amendment, to which the court refers above, is as follows:

“The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

Nowhere in the Constitution of the United States is the Federal government given any power to dispose of the surplus waters of navigable streams or to control the development of electrical energy or to control the transmission into the State of electrical power, such as the proposed bill provides for. This bill, therefore, is not only directly antagonistic to an unbroken line of decisions in the United States Supreme Court, but it is antagonistic to the Federal Constitution in that it asserts a power of the Federal government which the Constitution does not give and which the United States Supreme Court has repeatedly pointed out, belongs, therefore, to the respective States. The bill is, therefore, a usurpation of the sovereign authority of the State of New York. It destroys the property rights of the State and of its citizens without any color of legal right.

It is significant that the decisions of the highest courts of the State of New York are in harmony with the decisions of the United States Supreme Court above outlined.

In *Sweet v. The City of Syracuse*, 129 N. Y. 316, the court recognized as undisputed the doctrine that the State owned the soil of the bed of the navigable lakes within the State, and that this ownership is subject to every easement and servitude necessary to the use of the waters by other riparian owners, so far as they may be entitled to use the same. The court further held as follows:

“Neither sovereign nor subject can acquire anything more than a mere usufructuary right therein, and in this case the state never acquired, or could acquire, the ownership of the aggregated drops that comprised the mass of flowing water in the lake and outlet, *though it could and did acquire the right to its use*. These propositions have been often stated by jurists and in judicial decisions in different forms, but it is believed that they all concur in the same general result.”

The court here was speaking about Skaneateles lake, a navigable body of water. This lake is subject to precisely the same Federal control as is that portion of the Niagara river which lies within the boundaries of the State, and of which we are speaking. In fact, the Federal government has the same power to control the diversion of water from Seneca lake, Keuka lake, Oneida lake or any of the other inland lakes of the State of New York, and from the Mohawk river, the Hudson river, or any of the other navigable rivers of the State, that it has over that portion of the waters of Niagara river that lies within the boundaries of the State. I assume that no one would argue that the Federal government could grant permits to private individuals in defiance of the riparian rights of the State and of individual riparian owners to use the water from these lakes or rivers for power purposes. Yet, I repeat, it has the same right in respect to those waters that it has in respect to the water in Niagara river covered by this proposed legislation.

In view of these plain provisions of law, supported by constitutional sanction and by the sanction of the highest court in the Nation, supported also by proprietary right and by the sacred rights of private property, it is interesting to consider the provisions of this bill. In the first place, the title of the bill is a challenge and a violation of all of the rights involved. The bill is entitled "For the Control and Regulation of the waters of Niagara River in the State of New York, for the Preservation of Niagara Falls and for other purposes."

It is needless to say that there is no power found in the Federal government "for the preservation of Niagara Falls or for other purposes," except for the purpose of navigation and for military defense. The cases heretofore cited support this statement and need not be repeated here.

The provisions of the bill seek to carry its title by first providing "That the diversion of waters from the Niagara River in the State of New York is hereby prohibited, except with the consent of the Secretary of War, as herein authorized by this act."

This is a plain denial of the State rights and of the rights of riparian owners in the river, as it asserts Federal control, not for purposes of navigation, but for purposes of determining *the*

persons to whom and the restrictions under which water is permitted to be diverted from the river.

The bill further provides that when the Secretary of War is satisfied that the diversion provided for “interferes with the navigable capacity of said river or its proper volume as a boundary stream or its sufficiency as a national defense, or *the scenic grandeur of Niagara Falls or that the waters diverted for the development of electric power are not being utilized to their full capacity for the proper standard of efficiency or that the public interests are not being served or protected in the use, transmission or sale of the electric power transmitted therefrom, he shall revoke any permit granted, after giving five years’ notice to the said parties holding such permits and to the Congress of the United States, of his intention to make such revocation.*” This, therefore, asserts the right of the Federal government through the Secretary of War, in violation of the constitutional powers of the Federal government to decide in what manner the waters may be best utilized to develop their full and proper standard of efficiency, and to consider further questions entirely commercial or proprietary as the basis for cancellation of the permits. In other words, the Secretary of War is given the authority to decide who among the riparian owners within the State, or even those who are not riparian owners, can make the most effective use of the water diverted. This does not take into account the riparian rights at all, but permits them to be sacrificed in the interest of industrial efficiency, left entirely for decision to the discretion of the Secretary of War. If a more complete usurpation of sovereign or property rights could possibly be arrogated by the Federal government than is provided for in the language of this bill, it is impossible to imagine it. There are several provisions of the bill no worse than this perhaps in respect to usurped rights but which show a clear purpose on behalf of those who favor the bill of entirely ignoring every State and individual right, up to this time sacredly maintained in our courts. For instance, it is provided that all persons holding permits for the diversion of water from Niagara river for the purpose of creating electrical energy, shall, if necessary, reconstruct the plants now operating, within five years after notice by the Secretary of War.

if such plant is not constructed so as to use the water at its full or proper standard of efficiency, etc.

The Secretary of War is also authorized to grant permits for the transmission of electric power from the Dominion of Canada into the United States, and he is given power to specify the companies, corporations or bodies legally organized therefor, by whom the same shall be transmitted, and the companies, corporations or bodies to whom the same shall be delivered. This is subject to the approval of the Governor of the State into which the power is transmitted. This qualification, however, hardly mitigates the indefensible manner in which the State's rights are usurped.

The most offensive portion of the bill, however, is that which places in the discretion of the Secretary of War the right to determine whether or not under permits heretofore granted electric power transmitted from Canada into the States is being utilized, distributed or sold with due regard to public interest. The bill also limits the amount to be transmitted as 200,000 horse power.

There cannot be found in the Federal Constitution a vestige of authority, either for permitting the Secretary of War to determine the question as to the efficiency with which the power is being used, the persons who are entitled to it or the manner in which it may be utilized, nor is there any authority in the Federal Constitution for limiting the amount of electric power that may be transmitted from Canada into the States. The Federal government may impose a tax upon electric power under section 8 of article I of the Constitution, which authorizes the laying and collecting of taxes, duties, imposts and excises and also authorizes the regulation of commerce with foreign nations and among the several States. It need not be necessary to contend that under these provisions favored persons or corporations cannot be selected as the recipients of Federal favor, nor to argue that international commerce can be restricted in the discretion of the Secretary of War, so as to make it a matter of volition with him as to what persons or corporations are permitted to enjoy the privilege of transmitting their property into the States, or into what States or in what amounts they may be permitted to enjoy this privilege. The principle announced under the first point disposes of this

question, viz.: That the power to do this must be found in the Constitution or it does not exist. It is not found in the Constitution, therefore it does not exist.

New York contends for the principle set forth in the proposed bill, which was filed by the Attorney-General with the Committee on Foreign Affairs, and which is appended.

All of which is respectfully submitted.

THOMAS CARMODY,

Attorney-General.

A BILL TO GIVE EFFECT TO THE FIFTH ARTICLE
OF THE TREATY BETWEEN THE UNITED
STATES AND GREAT BRITAIN, SIGNED JANU-
ARY ELEVENTH, NINETEEN HUNDRED AND
NINE.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled:*

That in order to give effect to the fifth article of the treaty between the United States and Great Britain, signed January eleventh, nineteen hundred and nine, the United States hereby authorizes and permits the diversion within the State of New York of the waters of Niagara river above the falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of twenty thousand cubic feet of water per second.

Provided, however, that no water shall be diverted from said river at said point for power purposes except pursuant to written permits signed by the Secretary of War, who is hereby authorized and directed to issue such permits for the making of such diversion to said amount, to the State of New York, upon application made therefor by its officials, thereunto duly authorized.

REPORT OF THE SUPERINTENDENT

To the Commissioners of the State Reservation at Niagara:

GENTLEMEN.—I have the honor to submit herewith a report of the principal work and occurrences at the reservation during the fiscal year ending the 30th day of June, 1918.

REPAIRS

The plumbing in the following places was out of order and has been repaired:

Administration building, Prospect Point elevator, Cave of the Winds building, comfort station at entrance to Goat Island, Three Sisters Islands comfort station and the Labor Center.

New floors were installed in the stalls in the Labor Center barn.

The following pieces of lumber, cut from the trees blown down in the storm of July 2, 1916, were received from the sawmill:

ELM					
No.	Pieces	Length	Thickness		Width
22	12' 6"	4"	.....	14" to 22"
94	12'	1"	.....	8" to 14"
54	12'	1"	.....	9" to 9"
29	12'	4" x 4"	.....	.....
70	12'	1"	.....	10" to 14"
MAPLE					
16	10-12	2"	.....	10" to 14"
BLACK WALNUT					
28	16'	2"	.....	12" to 14"

The roof of the ice house was in bad repair and a slate roof was installed, using slate which was on the reservation, and is now in good condition.

The park benches and tables have been repaired and painted.

The walks on the Three Sisters bridges have been repaired where needed.

Taking advantage of the low water in the Wing Dam pond,

the silt was entirely removed, some of it by labor, but the largest part with 2½-inch fire hose — 400 feet of our own and 600 feet kindly loaned to us by the city fire department. This enabled us to reach the hydrant on the Kaltenback green and thus obtain water. This made quick work of it. The break in the Wing dam was then temporarily repaired and filled in behind with rubble stone. There is as much water flowing through the canal now as there was before.

An automobile ran into the railing of the bridge at the North end of the Loop Pond and some of the stone was knocked into the stream below. This has been repaired.

The stairs and platforms were constructed at the Cave of the Winds at the foot of the Biddle stairs in accordance with contract made with J. Charles Dennis, contractor, for the sum of four hundred and thirty-six dollars and forty-one cents (\$436.41). This work was done in a very satisfactory manner and was accepted.

Nine tons of good hay was harvested on the eastern end of Goat island; most of it was placed in the barn but some of it had to be stacked.

The trees and shrubs have been sprayed and pruned, excepting in the forest.

GRADING AND PLANTING

The following places have been graded and planted: at the site of the old barn. At the big elm tree near the Labor center and on Willow island.

GENERAL MAINTENANCE

Keeping the roads and paths and places of interest free from snow and ice, and cutting down dead and dying trees in the forest during the winter months.

Pruning young trees and shrubs at Labor center, Prospect park and the riverway.

The bare spots of lawn surface in the park and the riverway have been reseeded.

The ice house was filled with ice taken from the river banks and will supply the drinking fountains the coming summer.

New tables and benches with rubble stone legs and concrete tops were constructed at the Big Elm picnic grounds near the

Labor center; and a rubble stone drinking fountain has been constructed.

POLICE DEPARTMENT

Officer Richard Swift reported that at 10:50 A. M. August the 22nd, a man named John C. Callahan, No. 236 Minnesota ave. Buffalo, N. Y., jumped into the rapids about 30 feet above the brink of the American fall and was carried over the falls; the body was recovered a few days after at the Maid of the Mist landing.

The following arrests, fines, sentences and suspended sentences: arrests, 31; fines, \$45.00; sentences, 3, 30 days each, 1, 120 days; suspended sentences, 13.

RESIGNATIONS

Name	Position	Date
Michael Walins.....	Police Constable.....	January 1, 1918
George Jennings.....	Police Constable.....	January 1, 1918

PROMOTIONS

Night Watchman to Police Constable

Marcus J. Skinner.....	January 1, 1918
Hawley White.....	January 1, 1918

APPOINTMENTS

John P. Green.....	Night Watchman.....	January 1, 1918
George R. Boyd.....	Night Watchman.....	January 1, 1918

On January the 11th night watchman George R. Boyd reported that at 10:30 P. M. he saw a man go down toward Prospect Point and disappear; upon investigating he found foot prints in the snow, which gave evidence that he had climbed the railing at that point and jumped into the river and gone over the Fall. The man was identified as a man working for the International railway named Chase.

ATTEMPTED SUICIDE

On May 19th, Miss May Hill of New York city, jumped into the spillway of the Niagara Falls Power Company, near the upper steel arch bridge. She was picked up alive on the Canadian side.

Respectfully submitted,

HARRY K. ECKERT,

Superintendent.

TREASURER'S REPORT FOR THE FISCAL YEAR JULY 1, 1917 TO JUNE 1, 1918.

The Commissioners of the State Reservation at Niagara, in
account with CLARENCE H. ATWOOD, Treasurer.

1917.		Payment by the State Comptroller on account:	
July	16.	Chapter 646, Laws of 1916.....	\$349 15
	16.	Chapter 181, Laws of 1917.....	1,762 78
	24.	Chapter 646, Laws of 1916.....	334 35
	31.	Chapter 646, Laws of 1916, and 181, 1917.....	1,966 28
Aug.	17.	Chapter 181, Laws of 1917.....	2,043 72
	23.	Chapter 181, Laws of 1917.....	726 67
	20.	Chapter 181, Laws of 1917.....	277 50
Sept.	1.	Chapter 181, Laws of 1917.....	1,552 53
	19.	Chapter 181, Laws of 1917.....	1,995 78
Oct.	3.	Chapter 181, Laws of 1917.....	1,540 03
	17.	Chapter 181, Laws of 1917.....	2,286 15
Nov.	3.	Chapter 181, Laws of 1917.....	1,540 03
	15.	Chapter 181, Laws of 1917.....	1,481 28
	20.	Chapter 181, Laws of 1917.....	339 76
	28.	Chapter 181, Laws of 1917.....	1,478 78
Dec.	13.	Chapter 181, Laws of 1917.....	1,478 78
	13.	Chapter 181, Laws of 1917.....	159 64
	31.	Chapter 181, Laws of 1917.....	1,472 53
1918.			
Jan.	18.	Chapter 181, Laws of 1917.....	1,801 32
Feb.	1.	Chapter 181, Laws of 1917.....	1,606 28
	13.	Chapter 181, Laws of 1917.....	1,542 53
	26.	Chapter 181, Laws of 1917.....	361 84
March	2.	Chapter 181, Laws of 1917.....	1,498 78
	15.	Chapter 181, Laws of 1917.....	1,415 66
	18.	Chapter 181, Laws of 1917.....	319 12
	26.	Chapter 181, Laws of 1917.....	1,578 16
April	12.	Chapter 181, Laws of 1917.....	1,859 38
May	3.	Chapter 181, Laws of 1917.....	1,675 03
	16.	Chapter 181, Laws of 1917.....	1,486 28
	16.	Chapter 181, Laws of 1917.....	284 09
	24.	Chapter 181, Laws of 1917.....	386 31
	28.	Chapter 181, Laws of 1917.....	315 00
	29.	Chapter 181, Laws of 1917.....	1,415 03
June	13.	Chapter 181, Laws of 1917.....	1,501 28
	19.	Chapter 181, Laws of 1917.....	1,062 82
July	9.	Chapter 181, Laws of 1917.....	1,541 22
Total.....			\$44,395 87

EXPENDITURES

Chapter 181, Part 1, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Date		Abstract No. 1		
1917	Voucher	Name and Classification		Amount
July 10.	1	Administration, salaries, regular, payroll.....		8350 00
	1	Division of police, salaries, regular, payroll.....		375 03
	1	Division of police, wages, regular, payroll.....		150 00
	1	Prospect Point elevator, salaries, regular, payroll.....		60 00
	1	Prospect Point elevator, wages, regular, payroll.....		138 75
	1	Wages, temporary, payroll.....		489 00
July 21.	2	Administration, salaries, regular, payroll.....		8350 00
	2	Division of police, salaries, regular, payroll.....		375 03
	2	Division of police, wages, regular, payroll.....		150 00
	2	Prospect Point elevator, salaries, regular, payroll.....		60 00
	2	Prospect Point elevator, wages, regular, payroll.....		140 00
	2	Wages, temporary, payroll.....		402 50
Aug. 9.	3	Administration, salaries, regular, payroll.....		8350 00
	3	Division of police, salaries, regular, payroll.....		375 03
	3	Division of police, wages, regular, payroll.....		150 00
	3	Prospect Point elevator, salaries, regular, payroll.....		60 00
	3	Prospect Point elevator, wages, regular, payroll.....		138 75
	3	Wages, temporary, payroll.....		518 75
Aug. 23.	4	Administration, salaries, regular, payroll.....		8350 00
	4	Division of police, salaries, regular, payroll.....		375 03
	4	Division of police, wages, regular, payroll.....		150 00
	4	Prospect Point elevator, salaries, regular, payroll.....		60 00
	4	Prospect Point elevator, wages, regular, payroll.....		140 00
	4	Wages, temporary, payroll.....		727 50
Sept. 10.	5	Administration, salaries, regular, payroll.....		8350 00
	5	Division of police, salaries, regular, payroll.....		375 03
	5	Division of police, wages, regular, payroll.....		150 00
	5	Prospect Point elevator, salaries, regular, payroll.....		60 00
	5	Prospect Point elevator, wages, regular, payroll.....		138 75
	5	Wages, temporary, payroll.....		575 00
Sept. 21.	6	Administration, salaries, regular, payroll.....		8350 00
	6	Division of police, salaries, regular, payroll.....		375 03
	6	Division of police, wages, regular, payroll.....		150 00
	6	Prospect Point elevator, salaries, regular, payroll.....		60 00
	6	Prospect Point elevator, wages, regular, payroll.....		138 75
	6	Wages, temporary, payroll.....		516 25
				<hr/>
				80,584 18
				<hr/>

STATE RESERVATION AT NIAGARA

Date		Abstract No. 2		
1917	Voucher	Name and Classification		Amount
Oct.	5.	7	Administration, salaries, regular, payroll.....	\$300 00
		7	Division of police, salaries, regular, payroll.....	375 03
		7	Division of police, wages, regular, payroll.....	150 00
		7	Prospect Point elevator, salaries, regular, payroll	60 00
		7	Prospect Point elevator, wages, regular, payroll.	138 75
		7	Wages, temporary, payroll.....	451 25
Oct.	23.	8	Administration, salaries, regular, payroll.....	200 00
		8	Division of police, salaries, regular, payroll.....	375 03
		8	Division of police, wages, regular, payroll.....	150 00
		8	Prospect Point elevator, salaries, regular, payroll.	60 00
		8	Prospect Point elevator, wages, regular, payroll.....	140 00
		8	Wages, temporary, payroll	515 00
Nov.	8.	9	Administration, salaries, regular, payroll.....	200 00
		9	Division of police, salaries, regular, payroll.....	375 03
		9	Division of police, wages, regular, payroll.....	150 00
		9	Prospect Point elevator, salaries, regular, payroll.	60 00
		9	Prospect Point elevator, wages, regular, payroll..	138 75
		9	Wages, temporary, payroll	457 50
Nov.	21.	10	Administration, salaries, regular, payroll.....	200 00
		10	Division of police, salaries, regular, payroll.....	375 03
		10	Division of police, wages, regular, payroll.....	150 00
		10	Prospect Point elevator, salaries, regular, payroll.	60 00
		10	Prospect Point elevator, wages, regular, payroll..	138 75
		10	Wages, temporary, payroll	455 00
Dec.	7.	11	Administration, salaries, regular, payroll.....	200 00
		11	Division of police, salaries, regular, payroll.....	375 03
		11	Division of police, wages, regular, payroll.....	132 50
		11	Prospect Point elevator, salaries, regular, payroll.	60 00
		11	Prospect Point elevator, wages, regular, payroll..	138 75
		11	Wages, temporary, payroll	452 50
Dec.	26.	12	Administration, salaries, regular, payroll.....	200 00
		12	Division of police, salaries, regular, payroll.....	375 03
		12	Division of police, wages, regular, payroll.....	112 50
		12	Prospect Point elevator, salaries, regular, payroll.	60 00
		12	Prospect Point elevator, wages, regular, payroll..	140 00
		12	Wages, temporary, payroll	485 00
1918,				
Jan.	11.	13	Administration, salaries, regular, payroll.....	200 00
		13	Division of police, salaries, regular, payroll.....	375 03
		13	Division of police, wages, regular, payroll.....	150 00
		13	Prospect Point elevator, salaries, regular, payroll.	60 00
		13	Prospect Point elevator, wages, regular, payroll..	138 75
		13	Wages, temporary, payroll.....	488 75
Jan.	24.	14	Administration, salaries, regular, payroll.....	200 00
		14	Division of police, salaries, regular, payroll.....	375 03
		14	Division of police, wages, regular, payroll.....	150 00
		14	Prospect Point elevator, salaries, regular, payroll.	60 00

Date		Abstract No. 2	
1917	Voucher	Name and Classification	Amount
	14	Prospect Point elevator, wages, regular, payroll..	\$140 00
	14	Wages, temporary, payroll.....	581 25
Feb.	7.	15 Administration, salaries, regular, payroll.....	300 00
	15	Division of police, salaries, regular, payroll.....	375 03
	15	Division of police, wages, regular, payroll.....	150 00
	15	Prospect Point elevator, salaries, regular, payroll..	60 00
	15	Prospect Point elevator, wages, regular, payroll..	138 75
	15	Wages, temporary, payroll.....	518 75
Feb.	21.	16 Administration, salaries, regular, payroll.....	300 00
	16	Division of police, salaries, regular, payroll.....	375 03
	16	Division of police, wages, regular, payroll.....	150 00
	16	Prospect Point elevator, salaries, regular, payroll..	60 00
	16	Prospect Point elevator, wages, regular, payroll..	136 25
	16	Wages, temporary, payroll.....	477 50
March	11.	17 Administration, salaries, regular, payroll.....	300 00
	17	Division of police, salaries, regular payroll.....	375 03
	17	Division of police, wages, regular, payroll.....	150 00
	17	Prospect Point elevator, salaries, regular, payroll..	60 00
	17	Prospect Point elevator, wages, regular, payroll..	138 75
	17	Wages, temporary, payroll.....	391 88
March	23.	18 Administration, salaries, regular, payroll.....	300 00
	18	Division of police, salaries, regular, payroll.....	375 03
	18	Division of police, wages, regular, payroll.....	150 00
	18	Prospect Point elevator, salaries, regular, payroll..	60 00
	18	Prospect Point elevator, wages, regular, payroll..	140 00
	18	Wages, temporary, payroll.....	370 63
April	8.	19 Administration, salaries, regular, payroll.....	300 00
	19	Division of police, salaries, regular, payroll.....	375 03
	19	Division of police, wages, regular, payroll.....	150 00
	19	Prospect Point elevator, salaries, regular, payroll..	30 00
	19	Prospect Point elevator, wages, regular, payroll..	138 75
	19	Wages, temporary, payroll.....	426 25
April	24.	20 Administration, salaries, regular, payroll.....	300 00
	20	Division of police, salaries, regular, payroll.....	375 03
	20	Division of police, wages, regular, payroll.....	150 00
	20	Prospect Point elevator, salaries, regular, payroll..	30 00
	20	Prospect Point elevator, wages, regular, payroll..	138 75
	20	Wages, temporary, payroll.....	557 50
May	9.	21 Administration, salaries, regular, payroll.....	300 00
	21	Division of police, salaries, regular, payroll.....	375 03
	21	Division of police, wages, regular, payroll.....	150 00
	21	Prospect Point elevator, salaries, regular, payroll..	30 00
	21	Prospect Point elevator, wages, regular, payroll..	138 75
	21	Wages, temporary, payroll.....	492 50
May	22.	22 Administration, salaries, regular, payroll.....	262 50
	22	Division of police, salaries, regular, payroll.....	375 03
	22	Division of police, wages, regular, payroll.....	112 50

STATE RESERVATION AT NIAGARA

Date		Abstract No. 2		
1917	Voucher	Name and Classification		Amount
	22	Prospect Point elevator, salaries, regular, payroll.		\$30 00
	22	Prospect Point elevator, wages, regular, payroll..		140 00
	22	Wages, temporary, payroll		493 00
June	10.	23	Administration, salaries, regular, payroll.....	262 50
		23	Division of police, salaries, regular, payroll.....	375 03
		23	Division of police, wages, regular, payroll.....	150 00
		23	Prospect Point elevator, wages, regular, payroll..	138 75
		23	Wages, temporary, payroll	575 00
June	22.	24	Administration, salaries, regular, payroll.....	262 50
		24	Division of police, salaries, regular, payroll.....	332 72
		24	Division of police, wages, regular, payroll.....	150 00
		24	Prospect Point elevator, wages, regular, payroll..	138 50
		24	Wages, temporary, payroll	518 75
Total				<u>\$36,168 42</u>

EXPENDITURES

Chapter 181, Part 1, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Date		Abstract No. 1		
1917	Voucher	Name and Classification		Amount
Aug.	9.	1	Adams & White Company, supplies.....	\$0 50
		2	Beads, McCarthy & Rogers, supplies.....	8 00
		3	Chessman & Elliot, supplies.....	234 05
		5	Elderfield-Hartshorn Hdw. Co., supplies.....	231 48
		8	Niagara Searchlight Co., supplies.....	3 60
		9	Myrek Chemical Company, supplies.....	82 50
		10	Robertson-Cataract Electric Co., supplies.....	113 40
		11	Standard Oil Co. of N. Y., supplies.....	16 50
Sept.	10.	12	Allen Milling Company, supplies.....	50 00
		13	Allen Milling Company, supplies.....	116 30
		15	Gilbert Beaton, supplies.....	15 15
		16	M. B. Butler, Inc., supplies.....	7 57
		17	Elderfield-Hartshorn Hdw. Co., supplies.....	64 00
		18	B. L. Moone, supplies.....	5 00
		19	Roberts Brothers' Co., supplies.....	5 00
		20	Robertson-Cataract Electric Co., supplies.....	22 60

Abstract No. 2

Oct.	5.	21	Adams & White Company, supplies.....	33 75
		22	Adams & White Company, supplies.....	3 60
		23	A. P. W. Paper Co., supplies.....	274 32
		24	Gilbert Beaton, supplies	9 20
		25	M. B. Butler, Inc., supplies.....	20 00

Date		Abstract No. 2		
1917	Voucher	Name and Classification		Amount
	26	Dan. H. Clark, supplies.....		\$16 00
	27	Elderfield-Hartshorn Hdw. Co., supplies.....		52 55
	28	H. R. Kidney, Agent and Warden, supplies.....		23 10
	29	Macbeth-Evans Glass Company, supplies.....		71 82
	30	William H. Moyer, Agent and Warden, supplies..		95 10
	31	Otis Elevator Company, supplies.....		20 40
	32	Oliver A. Quayle, supplies.....		27 85
Nov.	S. 1	Adams & White Company, supplies.....		9 75
	2	Allen Milling Company, supplies.....		49 30
	3	Allen Milling Company, supplies.....		59 90
	4	Gilbert Beaton, supplies.....		13 40
	5	Elderfield-Hartshorn Hdw. Co., supplies.....		75 33
	6	Peter Henderson & Company, supplies.....		15 05
	7	Niagara Searchlight Company, supplies.....		4 00
	8	Otis Elevator Company, supplies.....		20 00
	9	Fred B. Peck, supplies.....		9 50
	10	Paterson-Thompson Company, supplies.....		1 00
	11	Sterling Electric Lamp Division, supplies.....		24 00
Dec.	7. 1	Adams & White Company, supplies.....		2 25
	2	Allen Milling Company, supplies.....		51 75
	3	Gilbert Beaton, supplies.....		19 40
	4	Elderfield-Hartshorn Hdw. Co., supplies.....		31 70
	5	Niagara Falls Awning & Tent Co. supplies.....		20 50
	6	Niagara Searchlight Company, supplies.....		2 40
	7	Fred B. Peck, supplies.....		2 50

Abstract No. 3

Jan.	11.	1	Adams & White Company, supplies.....	4 40
		2	Allen Milling Company, supplies.....	63 50
		3	Gilbert Beaton, supplies.....	20 00
		4	Dirnberger Pop Corn, supplies.....	19 00
		5	Elderfield-Hartshorn Hdw. Co., supplies.....	17 22
		6	General Carbonic Company, supplies.....	15 00
		7	A. C. Gibson Co., Inc., supplies.....	1 90
		8	Oliver A. Quayle, supplies.....	2 75
		9	Robertson-Cataract Electric Co., supplies.....	32 40
		10	Robertson-Cataract Electric Co., supplies.....	2 70
Feb.	7.	1	Adams & White Company, supplies.....	4 95
		2	Allen Milling Company, supplies.....	53 60
		3	Allen Milling Company, supplies.....	11 80
		4	Gilbert Beaton, supplies.....	17 95
		6	J. P. Hewitt, Jr., supplies.....	103 15
		7	Niagara Searchlight Company, supplies.....	8 80
		8	Otis Elevator Company, supplies.....	20 00
March	11.	1	Adams & White Company, supplies.....	1 60
		2	Allen Milling Company, supplies.....	60 10
		3	Gilbert Beaton, supplies.....	4 70

STATE RESERVATION AT NIAGARA

Date		Abstract No. 3		
1917	Voucher	Name and Classification		Amount
	4	Eldersfield-Hartshorn Hdw. Co., supplies.....		\$11 19
	5	King & Eisele Co., supplies.....		5 00
	6	Niagara Searchlight Company, supplies.....		3 40
Abstract No. 4				
April	8.	1	Allen Milling Company, supplies.....	65 40
		2	Allen Milling Company, supplies.....	57 00
		3	Gilbert Beaton, supplies.....	11 80
		4	Oliver A. Quayle, supplies.....	170 00
		5	Standard Oil Co. of N. Y., supplies.....	3 00
May	9.	1	Adams & White Company, supplies.....	16 50
		2	Allen Milling Company, supplies.....	60 80
		3	Gilbert Beaton, supplies.....	6 60
		4	Peter Henderson & Company, supplies.....	11 65
		5	J. P. Hewitt, Jr., supplies.....	99 19
		6	Otis Elevator Company, supplies.....	30 00
		7	Fred B. Peck, supplies.....	17 00
		8	Oliver A. Quayle, supplies.....	19 65
		9	Robertson-Cataract Electric Co., supplies.....	58 50
June	10.	1	Allen Milling Company, supplies.....	54 70
		2	S. O. Barnum & Son Co., supplies.....	44 00
		3	Gilbert Beaton, supplies.....	9 30
		4	Peter Henderson & Company, supplies.....	7 95
		5	B. G. Pratt Company, supplies.....	29 50
		6	Standard Oil Co. of N. Y., supplies.....	14 50
Total				<u>\$3,338 22</u>

EXPENDITURES

Chapter 181, Part 1, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Date		Abstract No. 1		
1917	Voucher	Name and Classification		Amount
July	10.	40	Harry K. Eckert, traveling expenses.....	\$8 40
Aug.	9.	41	Clarence H. Atwood, traveling expenses.....	6 40
		42	Harry K. Eckert, traveling expenses.....	1 60
Sept.	10.	43	Clarence H. Atwood, traveling expenses.....	3 20
		44	Harry K. Eckert, traveling expenses.....	6 55
Abstract No. 2				
Oct.	5.	45	Harry K. Eckert, traveling expenses.....	4 90
Nov.	8.	1	Harry K. Eckert, traveling expenses.....	1 70
		2	Thomas W. Mcachem, traveling expenses.....	18 84
Dec.	7.	1	Harry K. Eckert, traveling expenses.....	4 75
		2	Thomas W. Mcachem, traveling expenses.....	14 00

Date		Abstract No. 3		
1918	Voucher	Name and Classification		Amount
Jan.	11.	11	Harry K. Eckert, traveling expenses.....	84 90
		12	A. T. Clearwater, traveling expenses.....	33 20
		13	Thomas W. Meachem, traveling expenses.....	15 63
Feb.	7.	9	Clarence H. Atwood, traveling expenses.....	26 05
		10	Harry K. Eckert, traveling expenses.....	36 65
		11	Paul A. Schoellkopf, traveling expenses.....	18 15
Abstract No. 4				
April	8.	6	Harry K. Eckert, traveling expenses.....	4 65
May	9.	10	Harry K. Eckert, traveling expenses.....	14 55
		11	Thomas W. Meachem, traveling expenses.....	16 86
June	10.	7	Harry K. Eckert, traveling expenses.....	3 40
Total				\$245 40

EXPENDITURES

Chapter 181, Part I. Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Date		Abstract No. 1		
1917	Voucher	Name and Classification		Amount
Aug.	9.	1	Harry K. Eckert, communication.....	\$5 00
		2	Harry K. Eckert, communication.....	3 94
		3	New York Telephone Co., communication.....	14 15
Sept.	10.	4	New York Telephone Co., communication.....	9 55
		5	Harry K. Eckert, communication.....	10 65
		6	New York Telephone Co., communication.....	9 05
		7	William Young, communication	33 24
Abstract No. 2				
Oct.	5.	8	Harry K. Eckert, communication.....	11 42
		9	New York Telephone Co., communication.....	9 75
Nov.	10	10	William Young, communication.....	27 78
		8.	1	Harry K. Eckert, communication.....	1 91
	2		New York Telephone Co., communication.....	8 80
	3		Western Union Telegraph Co., communication..	2 01
	Dec.	7.	4	Western Union Telegraph Co., communication..	10 01
5			William Young, communication.....	4 25
1			New York Telephone Co., communication.....	6 85
		2	William Young, communication.....	2 55
Abstract No. 3				
Jan.	11.	14	Harry K. Eckert, communication.....	7 39
		15	Western Union Telegraph Co., communication..	1 77
Feb.	7.	12	Harry K. Eckert, communication.....	5 00
		13	New York Telephone Co., communication.....	6 60
		14	New York Telephone Co., communication.....	7 40
		15	Western Union Telegraph Co., communication..	3 75
March	11.	7	Harry K. Eckert, communication.....	10 00
		8	Western Union Telegraph Co., communication..	1 31

STATE RESERVATION AT NIAGARA

Date		Abstract No. 4		
1917	Voucher	Name and Classification		Amount
April	8.	7	Harry K. Eckert, communication.....	\$16 00
		8	New York Telephone Co., communication.....	10 25
May	9.	12	Harry K. Eckert, communication.....	10 57
		13	New York Telephone Co.....	6 30
		14	New York Telephone Co., communication.....	9 95
		15	Western Union Telegraph Co., communication..	5 10
		16	William Young, communication.....	3 09
June	10.	8	Harry K. Eckert, communication.....	7 90
		9	Western Union Telegraph Co., communication..	2 40
Total				<u>\$285 69</u>

EXPENDITURES

Chapter 151, Part 3, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Date		Abstract No. 1		
1917	Voucher	Name and Classification		Amount
July	10.	37	Gilbert Beaton, repairs	\$16 15
		38	Concrete Stone & Coal Co., repairs.....	7 88
		39	Henry Chormann, repairs	2 75
		40	Dobbie Foundry & Machine Co., repairs.....	40 20
		41	M. E. Harris, repairs.....	12 80
		42	River Sand Co., Inc., repairs.....	12 35
		43	Safety Insulated Wire & Cable Co., repairs.....	194 50
		44	William Young, repairs	54 12
July	21.	2	Gilbert Beaton, repairs	117 00
		3	Concrete Stone & Coal Co., repairs.....	1 98
		4	M. E. Harris, repairs.....	5 90
		5	Otis Elevator Company, repairs.....	26 41
		6	L. M. Snyder, repair.....	14 70
		1	Payroll, repairs	428 75
Aug.	9.	2	Payroll, repairs	310 00
Aug.	23.	3	Payroll, repairs	277 50

Abstract No. 2

Oct.	5.	7	Gilbert Beaton, repairs.....	18 85
		8	Elderfield-Hartshorn Hdw. Co., repairs.....	79 03
		9	McFarland Hdw. Co., repairs.....	1 70

1918

Abstract No. 3

Jan.	11.	1	Henry Chormann, repairs	41 75
		2	Haerberle Lumber Company, repairs.....	5 34
		3	Otis Elevator Company, repairs.....	3 21
		4	L. M. Snyder, repairs.....	5 70
		5	Elderfield-Hartshorn Hdw. Co., repairs.....	27 70

Date		Abstract No. 3	
1917	Voucher	Name and Classification	Amount
March 11.	1	McGarigle Machine Co., repairs.....	\$28 62
	2	George Landes, repairs.....	14 55
	3	Henry Chormann, repairs.....	1 15
March 23.	1	Payroll, repairs.....	177 50
	2	Payroll, repairs.....	182 50

Abstract No. 4

May	9.	1	Concrete Stone & Coal Co., repairs.....	\$16 25
		2	Eldersfield-Hartshorn Hdw. Co., repairs.....	3 47
		3	Haeberle Lumber Company, repairs.....	14 51
		4	Haeberle Lumber Company, repairs.....	49 86
June	10.	1	T. C. Dennis, repairs.....	436 41
		2	Concrete Stone & Coal Co., repairs.....	12 55
		3	Eldersfield-Hartshorn Hdw. Co., repairs.....	29 68
		4	B. L. Moone, repairs.....	64 98
		5	River Sand Co., Inc., repairs.....	7 00
		6	River Sand Co., Inc., repairs.....	6 60
		7	Semet-Solvay Company, repairs.....	142 50
		8	L. M. Snyder, repairs.....	12 55
April	8.	3	Payroll, repairs.....	101 25
April	24.	4	Payroll, repairs.....	123 75
May	9.	5	Payroll, repairs.....	200 00
May	22.	6	Payroll, repairs.....	315 00
June	10.	7	Payroll, repairs.....	177 50
June	22.	8	Payroll, repairs.....	138 75

Total..... \$3,962 60

EXPENDITURES

Chapter 646. Part 1. Laws of 1916

CLARENCE H. ATWOOD, *Treasurer*

Date		Abstract No. 5		
1917	Voucher	Name and Classification		Amount
July	10.	144	Allen Milling Company maintenance.....	\$48 40
		145	Allen Milling Company, maintenance.....	44 60
		146	S. O. Barnum & Son Co., maintenance.....	22 25
		147	Gilbert Beaton, maintenance.....	8 70
		148	Gilbert Beaton, maintenance.....	9 60
		149	Elderfield-Hartshorn Hdw. Co., maintenance..	15 33
		150	Elderfield-Hartshorn Hdw. Co., maintenance..	88 75
		151	Elm City Nursery Company, maintenance....	91 00
Aug.	9.	153	Western Union Telegraph Co., maintenance...	5 72
		154	W. E. Chapman, maintenance.....	30 60
		155	Oris Elevator Company, maintenance.....	30 59
Total.....				\$395 54

Total..... \$395 54

RECAPITULATION

EXPENDITURES

Payrolls	\$36,168 42
Supplies	3,338 22
Traveling expenses	245 40
Communication	285 69
Repairs	3,962 60
Maintenance	395 54
	<hr/>
	\$44,395 87
	<hr/>
Payment from the State Comptroller	\$44,395 87
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SALARIES OF EMPLOYEES IN MILITARY SERVICE

Chapter 435, Laws of 1917

Date			Abstract No. 1	
1917.		Voucher	Name	Amount
Aug. 15.	1		Leonard G. Dallas, special payroll for August . . .	\$49 00
Sept. 15.	2		Leonard C. Dallas, special payroll for September.	49 00

Abstract No. 2

Oct. 15.	3		Leonard G. Dallas, special payroll for October . . .	49 00
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1918

Abstract No. 3

Jan. 26.	4		Leonard G. Dallas, deficiency for October	13 00
	5		Leonard G. Dallas, special payroll for November.	62 00
	6		Leonard G. Dallas, special payroll for December.	62 00
Feb. 16.	7		Leonard G. Dallas, special payroll for January . .	62 00
March 22.	8		Leonard G. Dallas, special payroll for February.	62 00

Abstract No. 4

April 15.	9		Leonard G. Dallas, special payroll for March . . .	62 00
May 15.	10		Leonard G. Dallas, special payroll for April	62 00
June 26.	11		Leonard G. Dallas, special payroll for May	62 00
July 26.	12		Leonard G. Dallas, special payroll for June	62 00
June 15.	..		Edward W. Dolan, special payroll for May	17 50
July 26.	..		Edward W. Dolan, special payroll for June	45 00

 \$718 50

Direct payments made by the State Comptroller	\$718 50
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THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA
CLARENCE H. ATWOOD, *Treasurer*

Record of receipts for the fiscal year 1917-1918 from the
Concessionaires:

Prospect Point elevator.....	\$12,670 35
International railway	1,000 00
Reservation carriage service.....	100 00
Maid of the Mist.....	600 00
Cave of the Winds.....	7,046 00
Total.....	<u>\$21,416 35</u>

Record of date of transfers of above receipts to the Treasurer of
State of New York:

Aug.	1.	Receipts for July, 1917.....	\$2,890 25
Sept.	1.	Receipts for August, 1917.....	4,195 60
Oct.	1.	Receipts for September, 1917.....	8,625 65
Nov.	1.	Receipts for October, 1917.....	560 25
Dec.	1.	Receipts for November, 1917.....	1,265 90
Jan.	3.	Receipts for December, 1917.....	217 15
Feb.	1.	Receipts for January, 1918.....	283 75
March	4.	Receipts for February, 1918.....	285 75
April	1.	Receipts for March, 1918.....	376 90
May	2.	Receipts for April, 1918.....	394 90
June	3.	Receipts for May, 1918.....	884 70
July	2.	Receipts for June, 1918.....	1,435 55
Total.....			<u>\$21,416 35</u>

STATE OF NEW YORK, }
COUNTY OF NIAGARA. } ss.:

Clarence H. Atwood, being duly sworn, deposes and says, that he is the Treasurer of the Commissioners of the State Reservation at Niagara, and that the above report, made by him as such treasurer, for the fiscal year 1917-1918, is correct and true to the best of his knowledge.

C. H. ATWOOD,
Treasurer.

Sworn to before me, this 22nd
of November, 1918.

JAMES C. MOAKLER,
Notary Public

CERTIFICATE

We, the undersigned, Commissioners of the State Reservation at Niagara, hereby audit the foregoing accounts, at the several amounts named.

A. T. CLEARWATER,
GEORGE J. MEYER,
PAUL A. SCHOELLKOPF,
ANSLEY WILCOX,
ROBERT W. DE FOREST.

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